

Capt. Ferdinand W. Kobbé to be major.  
Lieut. Col. William F. Blauvelt to be colonel.  
Chaplain Oscar J. W. Scott to be chaplain with the rank of captain.

## MEDICAL CORPS.

Lieut. Col. Jefferson R. Kean to be colonel.  
Maj. Charles Lynch to be lieutenant colonel.  
Capt. John L. Shepard to be major.

## QUARTERMASTER CORPS.

Lieut. Col. George F. Downey to be colonel.  
Lieut. Col. John M. Carson, jr., to be colonel.

## APPOINTMENTS IN THE ARMY.

## MEDICAL RESERVE CORPS.

*To be first lieutenants.*

George Edward Barksdale.  
Theodore David Burger.  
Ralph D'Alma Denig.  
Charles Marvin Fox.  
Clarence Gunter.  
Lasher Hart.  
Harry Hungate Robinson.  
Charles Wallace Sale.  
Thomas Hugh Scott.  
Fedor Leo Senger.  
Jonathan Mayhew Wainwright.

## POSTMASTERS.

## ARIZONA.

James L. Byrnes, Flagstaff.  
James W. Woolf, Tempe.

## GEORGIA.

Marshall G. Merritt, Trion.

## IDAHO.

Anna McMahon, Spirit Lake.

## INDIANA.

Charles B. Beck, Richmond.  
George B. Davis, Logansport.  
Simon Doenges, Connersville.  
Lewis Sartor, Martinsville.  
Albert T. Serling, Liberty.  
Lucius C. Wann, Warsaw.

## IOWA.

B. M. Jacobsen, Clinton.  
Katherine E. Morcombe, Storm Lake.

## KANSAS.

A. E. Bruner, Highland.  
A. M. Markley, Mound City.  
Henry C. Mayse, Ashland.

## MAINE.

Clarence Mantor, Skowhegan.  
Daniel A. Michaud, East Millinocket.  
Frank A. Millett, Mechanic Falls.

## MINNESOTA.

Gunstein D. Aakhus, Erskine.  
G. E. Comstock, Houston.  
Ole A. Fuglie, Ulen.  
Michael E. Gartner, Preston.  
Otis W. Newton, Morton.  
May B. Rosing, Cannon Falls.  
Charles S. Strout, Monticello.  
Charles A. Tullar, Warren.

## MISSOURI.

John T. Haley, Harris.  
Oscar L. Meek, Koshkonong.

## NEBRASKA.

W. D. Bradstreet, Spencer.  
Thomas A. Kelly, Republican City.  
M. T. Kilmer, Western.  
I. A. Manchester, North Loup.

## NEW HAMPSHIRE.

John R. Willis, Manchester.

## NEW JERSEY.

Anton J. Mikolajczak, Maurer.

## NEW YORK.

James H. Burns, Troy.  
John D. Crosby, Inwood.  
Edward A. Clark, Greene.  
Myron L. Fisher, Spencer.

Daniel Grant, Afton.  
Elbert G. Harris, Cuba.  
Abram Lang, Eden.  
Andrew J. McMahon, Groton.  
James L. Seely, jr., Canisteo.  
Robert F. Talbot, New Berlin.

## NORTH CAROLINA.

T. L. Grant, Old Fort.  
George C. Lynch, Hillsboro.

## NORTH DAKOTA.

George E. Duis, Grand Forks.

## OHIO.

Clarence D. Crumb, Cuyahoga Falls.  
Charles A. Eberle, Dillonvale.  
M. A. Houghton, Oberlin.

## OREGON.

T. B. Vernon, Lakeview.

## SOUTH DAKOTA.

John Knuckey, Clear Lake.

## TEXAS.

Evye Kennedy, Kirbyville.

## UTAH.

Berdie P. Olson, Ephraim.

## VIRGINIA.

Charles W. Mugler, Newport News.  
Wily W. Ward, South Boston.

## HOUSE OF REPRESENTATIVES.

MONDAY, May 4, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, whose boundless love encircles all, whose infinite wisdom is displayed in all the works of Thy hands, whose almighty power is everywhere manifest, whose gracious providence has shaped and guided the destiny of men and of nations in all the past, we most fervently pray for all that makes for purity in the soul, for all that makes for righteousness in the Nation, that thus susceptible to the heavenly influences we as individuals and as a Nation may fulfill our destiny to the honor and glory of Thy holy name. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday, May 2, 1914, and of Sunday, May 3, 1914, was read and approved.

## GEN. DANIEL E. SICKLES.

Mr. GOULDEN. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for three minutes. Is there objection. [After a pause.] The Chair hears none.

Mr. GOULDEN. Mr. Speaker, last night, Sunday, May 3, in New York City a brave, heroic soldier, Maj. Gen. Daniel E. Sickles, answered the roll call of the Supreme Commander of the Universe. He was the last of the great corps commanders on either side of that memorable struggle from sixty-one to sixty-five.

Gen. Sickles served his country well and faithfully; first as a member of the New York State Legislature in both houses, then as a Member of Congress for four years, beginning with 1856 to the outbreak of the Civil War. Although a Democrat he offered his services to President Lincoln early in 1861, and was commissioned to raise a regiment. This he promptly did, following it with four others, constituting a brigade known as the "Excelsior," of which he was made the commanding officer, with the rank of brigadier general. His previous experience in the State militia as an officer qualified him to drill, discipline, and command troops. In November, 1862, after the Battle of Antietam, where he gallantly led a division of the Third Army Corps, he was made a major general and placed in command of that historic corps, distinguished himself in various battles of the Army of the Potomac, and in an especial manner on July 2, 1863, at Gettysburg, where he lost a leg in the service of his country.

He served as minister to Holland in 1866 to 1869, declining the same position to Mexico, but accepted the appointment to represent this country at the court of Spain.

Gen. Sickles was again elected to Congress in 1894 as a Democrat, serving one term with credit to himself and honor to the Nation.

He was born in New York City October 20, 1820; was admitted to the bar in 1844, and served as corporation counsel for several years in that city.

He was commander in chief of the Loyal Legion and of the Grand Army of the Republic, of which organizations he was a prominent member.

Much of the historic interest of the famous Gettysburg battle field is due to Gen. Sickles, who was one of the commissioners in charge of that work. I saw him there at the fiftieth anniversary in July last, a number of my colleagues being present, where he was a conspicuous figure.

It was my privilege to have personally known this brave, rugged soldier, hero, diplomat, and statesman for many years, and I am pleased to be able as his comrade to pay this brief tribute to his memory this morning in a place where he served with distinction. [Applause.]

Mr. MURDOCK. Mr. Speaker, will the gentleman yield for just a moment?

Mr. GOULDEN. With pleasure.

Mr. MURDOCK. I am curious to know if the gentleman from New York who is now speaking served under Gen. Sickles.

Mr. GOULDEN. No. I regret I did not have that honor. My service was elsewhere.

ELZIE C. FISHER.

Mr. WITHERSPOON. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WITHERSPOON. Mr. Speaker, on the 23d day of April at Vera Cruz, Mexico, 17 young Americans lost their lives, falling victims to Mexican bullets, and the remains of those young heroes are now taking their last cruise upon the ocean destined to points scattered throughout the Union where they are awaited by sorrowing friends and relatives to have their last reunion with them.

Among this number was Elzie C. Fisher, a boy 20 years old, reared in Scott County, Miss. His parents are James E. Fisher and Elsie Fisher, who live about 15 miles in the country from a railroad in an humble, unpainted home, but within that home, Mr. Speaker, the light of paternal love is as bright as any illumination in the palaces of the rich.

It seems to me but meet and proper that in the great work of national legislation we should pause long enough to pay the tribute of our commendation to one who gave his life in the execution of our will and to send a message of tender sympathy to soothe, if possible, the wounded love and broken hearts of the father and mother who have lost their boy.

Mr. Speaker, learning and intellect and eloquence and courage do not make the noblest acts of human beings. It is self-sacrifice that raises the act of a man to its highest point. He who gives his life for his country makes the nearest approach to the fulfillment of the divine command, "Thou shalt love thy neighbor as thyself," and the death of this ordinary seaman, by its very contrast with the magnitude of his sacrifice, emphasizes and increases the nobility of his act.

It is not strange, therefore, that the poet's pen on her long mission from the courts above to search throughout the ends of the earth to find the thing most dear to heaven should first alight on the field of battle and secure the "last glorious drop" of blood flowing from the heart of the soldier who had died for his country "before its free-born spirit fled."

"Be this," she cried, as she winged her flight,  
"My welcome gift at the gates of light.  
Though foul are the drops that oft distill  
On the field of warfare blood like this,  
For liberty shed, so holy is,  
It would not stain the purest rill  
That sparkles among the bowers of bliss.  
Oh, if there be on this earthly sphere  
A boon, an offering heaven holds dear,  
'Tis the last libation Liberty draws  
From the heart that bleeds and breaks in her cause."

Then from the death of young Fisher let us learn anew the lesson so well expressed by the poet, who says:

Honor and shame from no condition rise;  
Act well your part, there all the honor lies.

[Loud applause from both sides of the House.]

ORDER OF BUSINESS.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to address the House for three minutes. Is there objection?

Mr. FERRIS. Mr. Speaker, reserving the right to object, there are so many bills on the calendar I can not sit here—I will not object to the gentleman's request, but I will to any more.

The SPEAKER. Is there objection to the gentleman from New Jersey [Mr. TOWNSEND] addressing the House for three minutes?

Mr. KINDEL. Mr. Speaker, I object unless I am granted the same privilege.

The SPEAKER. The Chair can not guarantee—

Mr. TOWNSEND. Mr. Speaker, I withdraw my request.

The SPEAKER. This is Unanimous Consent Calendar day, and the Clerk will report the first bill.

TERMS OF COURT AT STEUBENVILLE, OHIO.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 5849) to amend section 100 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Clerk read as follows:

*Be it enacted, etc.,* That section 100 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"SEC. 100. The State of Ohio is divided into two judicial districts, to be known as the northern and southern districts of Ohio. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Ashland, Ashtabula, Cuyahoga, Carroll, Columbiana, Crawford, Geauga, Holmes, Lake, Lorain, Medina, Mahoning, Portage, Richland, Summit, Stark, Tuscarawas, Trumbull, and Wayne, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Auglaize, Allen, Defiance, Erie, Fulton, Henry, Hancock, Hardin, Huron, Lucas, Mercer, Marion, Ottawa, Paulding, Putnam, Seneca, Sandusky, Van Wert, Williams, Wood, and Wyandot, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Cleveland on the first Tuesdays in February, April, and October, and at Youngstown on the first Tuesday after the first Monday in March; and for the western division, at Toledo on the last Tuesdays in April and October. Grand and petit jurors summoned for service at a term of court to be held at Cleveland may, if in the opinion of the court the public convenience so requires, be directed to serve also at the term then being held or authorized to be held at Youngstown. Crimes and offenses committed in the eastern division shall be cognizable at the terms held at Cleveland or at Youngstown, as the court may direct. Any suit brought in the eastern division may, in the discretion of the court, be tried at the term held at Youngstown. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Lawrence, Miami, Montgomery, Preble, Scioto, Shelby, and Warren, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Athens, Belmont, Coshocton, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Knox, Licking, Logan, Madison, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Union, Vinton, and Washington, which shall constitute the eastern division of said district. Terms of the district court for the western division shall be held at Cincinnati on the first Tuesdays in February, April, and October; and for the eastern division at Columbus on the first Tuesdays in June and December, and at Steubenville on the first Tuesdays of March and October: *Provided*, That suitable rooms and accommodations for holding court at Steubenville shall be furnished free of expense to the Government until the completion of the Federal building; *And provided further*, That terms of the district court for the southern district shall be held at Dayton on the first Mondays in May and November. Prosecutions for crimes and offenses committed in any part of said district shall also be cognizable at the terms held at Dayton. All suits which may be brought within the southern district, or either division thereof, may be instituted, tried, and determined at the terms held at Dayton."

The SPEAKER. Is there objection?

Mr. POST. Mr. Speaker, I ask that that bill be passed over.

The SPEAKER. The gentleman from Ohio [Mr. Post] asks that this bill be passed over without prejudice. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, what is the object of passing it over?

Mr. POST. I want to investigate it myself.

Mr. MADDEN. It has been passed over three times already.

Mr. MANN. I understand it has been passed over several times—

Mr. MADDEN. It has been passed over three times. I have looked up some of the records of the trials in some of these places now where they hold court and I think in one case, Dayton, they have not tried over 25 cases in five years.

Mr. POST. That is my information—

Mr. MADDEN. And there is no sense in starting another place and creating an expense. I suggest it ought to be objected to, and I object to it.

The SPEAKER. Will the gentleman from Illinois [Mr. MADDEN] give his attention to the Chair for a moment?

Mr. MADDEN. Yes, sir.

The SPEAKER. Is the gentleman objecting to it being passed over—

Mr. MADDEN. I object to the bill.

The SPEAKER. To the consideration of the bill?

Mr. MADDEN. Yes, sir.

The SPEAKER. It will be stricken from the calendar. The Clerk will report the next bill.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 5993. An act authorizing the city of Montrose, Colo., to purchase certain public lands for public-park purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5445. An act for the relief of Gordon W. Nelson;

S. 1086. An act for erecting a suitable memorial to John Ericsson; and

S. J. Res. 95. Joint resolution providing for method of improving channels giving access to military reservations or fortifications.

## MEDAWAKANTON AND WAHPAKOOTA SIOUX INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11246) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

The Clerk read as follows:

*Be it enacted, etc.,* That jurisdiction be, and hereby is, conferred upon the Court of Claims to hear, determine, and render final judgment for any balance that may be found due the Medawakanton and Wahpakoota Bands of Sioux Indians, otherwise known as Santee Sioux Indians, with right of appeal as in other cases for any annuities that may be ascertained to be due to the said bands of Indians under and by virtue of the treaties between said bands and the United States, dated September 29, 1837 (7 Stat. L., p. 538), and August 5, 1851 (10 Stat. L., p. 954), as if the act of forfeiture of the annuities of said bands approved February 16, 1863, had not been passed: *Provided*, That the court in rendering judgment shall ascertain and include therein the amount of accrued annuities under the treaty of September 29, 1837, up to the date of rendition of judgment, and shall determine and include the present value of the same, not including interest, and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against any amount found due under said treaties all moneys paid to said Indians or expended for their benefit by the Government of the United States since the treaties were abrogated by the act of 1863: *Provided*, That the treaty of 1863 shall not be a bar to recovery, but all equities and benefits received thereunder by the Santee Sioux Indians may, in the discretion of the court, be taken into consideration in the determination of the amount of recovery. Upon the rendition of such judgment and in conformity therewith the Secretary of the Interior is hereby directed to ascertain and determine which of said Indians now living took part in said outbreak, and to prepare a roll of the persons entitled to share in said judgment by placing thereon the names of all living members of said bands residing in the United States at the time of the passage of this act, excluding therefrom only the names of those found to have personally participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

Proceedings shall be commenced by petition verified by one of the attorneys who have been heretofore employed by said bands of Indians to prosecute their claims under this act under a contract which has been approved by the Commissioner of Indian Affairs and the Secretary of the Interior as provided by law, upon information and belief as to the existence of the facts stated in said petition, and no other verification shall be necessary. Upon final determination of the cause the Court of Claims shall decree such fees as the court shall find to be reasonable upon a quantum meruit for services performed or to be performed, to be paid to the attorney or attorneys so employed by the said band of Indians and their associates, and the same shall be paid out of the balance found to be due said bands of Indians when an appropriation therefor shall have been made by Congress: *Provided*, That in no case shall the fees decreed by the court amount in the aggregate to more than 5 per cent of the amount of the judgment recovered, and in no event shall the aggregate amount exceed \$25,000: *Provided further*, That the court shall by its decree distribute such fees equitably between the attorneys who have been employed by said bands of Indians in said cause.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, when this bill was last under consideration I asked the gentleman from Nebraska [Mr. STEPHENS] to let the bill be passed over until to-day so that I might have further opportunity to examine into the facts. Since that time I have obtained a decision of the Court of Claims in a somewhat similar case that related to another tribe, the Sisseton and Wapeton Band. I find that the Court of Claims, under an act similar in content to the one now under consideration, had rendered judgment to that tribe.

Though the amount here involved is considerable, running up into the hundreds of thousands, I really believe that if Congress in times past has followed one course of action to one tribe who were in revolt in the insurrection of New Ulm, Minn., with which these tribes were also connected, that these tribes should also receive similar treatment. But I would like to inquire of the gentleman as to what amendments he proposes to the bill now before the House.

Mr. STEPHENS of Nebraska. Mr. Speaker, I would suggest an amendment, on line 15, page 2, by striking out the words "for their benefit" and inserting instead "on their account."

Mr. STAFFORD. I have that memorandum now in my bill, recalling that the gentleman at a prior meeting made that suggestion, and in that particular I would like to ask the gentleman

what is the purpose of it and what will be covered by the amendment?

Mr. STEPHENS of Nebraska. Well, I do not think that the amendment will make much difference. It seemed that other gentlemen who had objected to the language there thought that this language would cover the subject more effectively.

Mr. STAFFORD. In that connection I direct the attention of the gentleman to the report as found on page 5, the third paragraph from the end, where we find this language:

Attention is invited to Senate report No. 5689, setting forth the reasons of the Senate committee why no payment under the treaty of 1863 should be charged against the forfeited annuities which it is now proposed to restore.

I would like to have the opinion of the gentleman whether in this bill the Government is going to be credited for the annuities that have been paid to these bands under the treaty of 1863, which that report states should not be binding on these Santees.

Mr. STEPHENS of Nebraska. In lines 20 and 21, page 2, I have suggested the amendment by striking out "may, in the discretion of the court," and inserting in lieu thereof the word "shall."

That would make it impossible for these Indians to escape having charged to them by the court the amount paid them under the treaty of 1863. My own opinion is that the amounts paid to them under the treaty of 1863 were for another and specific purpose, namely, the policing of the frontier, in assisting the Government to protect its right of way while it was building the Union Pacific Railway. But other gentlemen think these amounts ought to be charged against the Indians, so I have consented to this amendment.

Mr. STAFFORD. So under the amendment as suggested credit will be given the Government for the annuities paid under the later treaty of 1863?

Mr. STEPHENS of Nebraska. Absolutely. In other words, every dollar that these Indians have received from the Government for any purpose whatever is now to be charged against them as an offset against the obligation that the Government owes these Indians for land that the Government purchased from them, and which obligation was abrogated by the act of Congress in 1863.

Mr. STAFFORD. Does the gentleman believe that the first amendment suggested is broader in its effect than the one now carried in the language in the bill?

Mr. STEPHENS of Nebraska. I think it is, although I am in doubt as to that.

Mr. STAFFORD. At least, the purpose is to make it broader?

Mr. STEPHENS of Nebraska. Yes.

Mr. STAFFORD. What other amendment has the gentleman proposed to the bill, if any?

Mr. STEPHENS of Nebraska. On page 3, line 20, the word "band" is amended to read "bands." It is just a typographical amendment.

Mr. STAFFORD. Are those all the amendments?

Mr. STEPHENS of Nebraska. Those are all the amendments.

Mr. STAFFORD. I would like to have the gentleman explain why the committee did not follow the recommendation of the department, so far as the provision relating to the attorneys is concerned, and striking out, in line 10, page 3, "one of the attorneys who have been heretofore employed by said bands," as recommended by the Indian Office?

Mr. STEPHENS of Nebraska. The object of that was to permit the attorneys who have had this bill in charge for so many years to prosecute the case for the Indians in the Court of Claims. I do not know who the attorneys are. It is a matter of no importance whatever to me whether that provision be left in the bill or not. The judgment of the committee was that these men, who have spent several years in handling this case, ought not to be barred from completing it. It was my recommendation.

Mr. MANN. Will the gentleman yield?

Mr. STEPHENS of Nebraska. I will.

Mr. MANN. Is not the real object of that to prevent, if this bill becomes a law, the Indians being harassed by a whole lot of attorneys, good, bad, and indifferent, who seek to get the job?

Mr. STEPHENS of Nebraska. That is another good reason for this provision.

Mr. STAFFORD. I have been informed, I will say to the gentleman, though this bill has passed the House on prior occasions, it has met opposition somewhere, because of limit of fees enacted in the bill as it passed the House that might be recovered by attorneys. We have here a favorable restriction for the protection of the Government and the Indians by limiting it to 5 per cent of the whole amount that may be recovered, and in no event to exceed \$25,000. I have been informed, how reliably

I can not say, through the influence of some persons this bill failed of passage. I wish to say that the attorneys who have heretofore been employed ought not to be displaced. They have certainly prior rights that should be given consideration. But what assurance has the House if we pass this bill with this safeguard as to attorneys' fees, and it should be insisted on, that it will be carried ultimately in case the other body should disagree to it? I see the chairman of the committee before us. I would like to have some expression from him as to whether he believes that it will be insisted upon by the House conferees if this limitation on attorneys' fees should be changed in another body?

Mr. STEPHENS of Texas. We shall certainly take care of the Indians in the proper way, and I think the language is sufficient to provide for its being done in that way. If the gentleman will read line 12 of page 3 he will notice that these attorneys must have had a contract, and that it must have been approved by the Commissioner of Indian Affairs.

Mr. STAFFORD. I am directing my attention to the limit on the amount that may be recovered—5 per cent on the total amount and \$25,000 in any event.

Mr. STEPHENS of Texas. I can assure the gentleman we will certainly follow the law.

Mr. STAFFORD. This is not the law. I am trying to obtain from the gentleman an expression of his views in case that would not be deemed equitable in another body and if it would be insisted upon when it goes to conference.

Mr. MANN. Let us ask the plain question: Suppose the Senate should strike out the limitation of 5 per cent and the \$25,000 attorneys' fees and return the bill to the House with that provision eliminated. I would like to ask my friend from Nebraska [Mr. STEPHENS] what his position on that amendment would be in the House if the bill came back in that situation?

Mr. STEPHENS of Nebraska. Personally, I will say to the gentleman, I have no concern as to the size of the fees for the service rendered, and if I could secure the passage of the bill as it stands now I would most certainly do so, but it might possibly be necessary to make concession to the Senate conferees in order to come to an agreement.

Mr. MANN. The gentleman did not understand my question. Suppose the House should be willing to pass the bill with the limitation that it now contains as to attorneys' fees, being not to exceed 5 per cent and not to exceed \$25,000, and then the attorneys who are interested should, through proper representations, suggest to the Senate that that limitation be stricken out of the bill and the bill should come back with that amendment, what would be the gentleman's position in reference to that amendment?

Mr. STEPHENS of Nebraska. My position would be to insist upon the bill as it stands.

Mr. BURKE of South Dakota. Mr. Speaker, I would like to ask the gentleman from Nebraska if he thinks there is any likelihood of the conferees that would be named by the House on the bill consenting to any report on the bill unless there was a limitation as to attorneys' fees?

Mr. STEPHENS of Nebraska. I do not think so.

Mr. MANN. I feel quite confident that they would not, unless the gentleman from Nebraska [Mr. STEPHENS] should urge the conferees to, and he has given us the assurance that he will not so urge them.

The SPEAKER. Is there objection?

Mr. STAFFORD. I withdraw my reservation.

The SPEAKER. The gentleman from Wisconsin withdraws the reservation of the right to object. This bill is on the Union Calendar.

Mr. STEPHENS of Nebraska. Mr. Speaker, I ask unanimous consent to consider this bill in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Nebraska [Mr. STEPHENS] asks unanimous consent to consider this bill in the House as in Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill for amendment.

Mr. MANN. The bill has already been read, Mr. Speaker.

The SPEAKER. Has any gentleman any amendment to offer?

Mr. STEPHENS of Nebraska. I sent the amendments to the desk, Mr. Speaker, and I ask that the Clerk read them.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amend, page 1, line 15, after the word "expended," by striking out the words "for their benefit."

The SPEAKER. The question is on agreeing to the amendment.

Mr. STAFFORD. I believe there should be inserted the words "on their account."

The Clerk. And insert in lieu thereof the words "on their account."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment. The Clerk read as follows:

Page 2, line 20, after the word "Indians," strike out the words "may, in the discretion of the court," and insert in lieu thereof "shall."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next one.

The Clerk read as follows:

Page 3, line 20, after the word "said," insert the letter "s" in the word "band."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

AMENDMENT OF ACT MAKING APPROPRIATION FOR RIVERS AND HARBORS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14331) to amend section 19 of an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved March 3, 1899.

The Clerk read as follows:

Be it enacted, etc., That section 19 of the act approved March 3, 1899, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," be, and the same is hereby, amended so as to read as follows:

"Sec. 19. That whenever the navigation of any river, lake, harbor, sound, bay, canal, or other navigable waters of the United States shall be obstructed or endangered by any sunken vessel, boat, water craft, raft, logs, merchantable timber, or other similar obstruction, and such obstruction has existed for a longer period than 30 days, or whenever the abandonment of such obstruction can be legally established in a less space of time, the sunken vessel, boat, water craft, raft, logs, merchantable timber, or other obstruction shall be subject to be broken up, removed, sold, or otherwise disposed of by the Secretary of War, at his discretion, without liability for any damage to the owners of the same: *Provided*, That in his discretion the Secretary of War may cause reasonable notice of such obstruction of not less than 30 days, unless the legal abandonment of the obstruction can be established in a less time, to be given by publication, addressed 'To whom it may concern,' in a newspaper published nearest to the locality of the obstruction requiring the removal thereof: *And provided also*, That the Secretary of War may, in his discretion, at or after the time of giving such notice, cause sealed proposals to be solicited by public advertisement, giving reasonable notice, of not less than 10 days, for the removal of such obstruction as soon as possible after the expiration of the above specified 30 days' notice, in case it has not in the meantime been so removed, these proposals and contracts, at his discretion, to be conditioned that such vessel, boat, water craft, raft, logs, merchantable timber, or other obstruction, and all cargo and property contained therein, shall become the property of the contractor, and the contract shall be awarded to the bidder making the proposition most advantageous to the United States: *Provided further*, That any money received from the sale of any such wreck, or from any contractor for the removal of wrecks, under this paragraph shall be covered into the Treasury of the United States."

The SPEAKER. Is there objection?

Mr. MOORE. Mr. Speaker, I reserve the right to object. I wish the gentleman from Louisiana would let this bill go over.

Mr. WATKINS. If the gentleman requests it, I will do so, although, in deference to the Committee on Rivers and Harbors, I have deferred action upon it for nearly two months. I will let it go over if the gentleman requests it.

Mr. MOORE. Has the gentleman conferred with the Committee on Rivers and Harbors concerning this bill?

Mr. WATKINS. I have had frequent conferences with the chairman of the committee, and he looked favorably upon the bill. He wanted a report from the Chief of Engineers. I have a report from the Chief of Engineers, as well as from the Board of Engineers, approving the passage of this measure—not after the bill was filed, but before the bill was filed. That is the basis on which the bill was filed.

Mr. MOORE. The gentleman understands this involves the jurisdiction of committees—Rivers and Harbors and Revision of the Laws?

Mr. WATKINS. I am willing to try that out now, if the gentleman wants to raise that question.

Mr. MANN. Neither one of these committees has jurisdiction.

Mr. WATKINS. If the gentleman wants to raise that question, I am willing to dispose of it now.

Mr. MOORE. If neither of those committees has jurisdiction, I am going to raise objection to the consideration of the bill.

Mr. WATKINS. Then I will agree to let it go over. I am anxious to have it thoroughly investigated.

Mr. MOORE. I have no objection to its going over.

Mr. WATKINS. I ask unanimous consent, Mr. Speaker, that this bill be passed over without prejudice.

The SPEAKER. The gentleman from Louisiana [Mr. WATKINS] asks unanimous consent that the bill may be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

#### NEW ORLEANS, BATON ROUGE & VICKSBURG RAILROAD CO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5890) for the relief of settlers within the limits of the grant of the New Orleans, Baton Rouge & Vicksburg Railroad Co.

The Clerk read the title of the bill.

The SPEAKER. Does the gentleman from Louisiana [Mr. ASWELL], who introduced this bill, desire to have the original bill read, or the substitute?

Mr. FERRIS. Mr. Speaker, I reported this bill. I ask unanimous consent that the substitute be read in lieu of the original bill.

Mr. STAFFORD. Has unanimous consent to consider the bill been granted yet?

The SPEAKER. It has not.

Mr. FERRIS. The original bill has been stricken out and a substitute reported by the committee.

The SPEAKER. Is there objection to this substitute being read instead of the original bill?

There was no objection.

The Clerk read the substitute.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. TOWNSEND. Mr. Speaker, I object.

The SPEAKER. The gentleman from New Jersey [Mr. TOWNSEND] objects, and the bill will be stricken from the calendar.

Mr. FERRIS. Will the gentleman allow the bill to remain on the calendar?

Mr. TOWNSEND. No; I will not.

Mr. ASWELL. I ask the gentleman to allow the bill to remain on the calendar.

The SPEAKER. What does the gentleman say?

Mr. TOWNSEND. I have said all I want to.

The SPEAKER. The gentleman objects. The bill will be stricken from the calendar, and the Clerk will report the next bill.

#### IMMIGRATION STATION AT BALTIMORE, MD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11625) to increase the appropriation for the erection of an immigration station at Baltimore, Md.

The Clerk read the title of the bill.

Mr. FOSTER. Mr. Speaker, reserving the right to object—

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. The gentleman asks unanimous consent to pass this bill without prejudice. Is there objection?

Mr. MANN. Reserving the right to object, what is the purpose of that?

Mr. FOSTER. I will say to my colleague that I have been looking into this matter a little, and I desire to have it go over.

The SPEAKER. Is there objection to the request that the bill be passed without prejudice?

There was no objection.

#### HEIRS OF DECEASED INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10834) to amend an act entitled "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," approved June 25, 1910 (36 Stats. L., p. 855).

The bill was read, as follows:

*Be it enacted, etc.,* That section 7 of the act entitled "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," approved on the 25th day of June,

1910 (36 Stat. L., p. 855), be, and the same is hereby, amended to read as follows:

"Sec. 7. That the mature living and dead and down timber on unallotted lands of any Indian reservation may be sold, under regulations to be prescribed by the Secretary of the Interior; and the proceeds from such sales shall be used for the benefit of the Indians of the reservation in such manner as he may direct: *Provided*, That this section shall not apply to the Menominee Indian Reservation, Wis.

With the following committee amendment:

Amend the bill by striking out all after the word "be," in line 6, page 2, down to and including the word "direct," in line 8, and inserting in lieu thereof the following: "deposited in the Treasury of the United States to the credit of the Indians owning the timber."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Mr. Speaker, reserving the right to object, may I ask the gentleman from Minnesota [Mr. STEENERSON] what his intention is with reference to this bill?

Mr. STEENERSON. It is my intention to offer an amendment to the bill.

Mr. MANN. Has that amendment been agreed to by the committee?

Mr. STEENERSON. The committee have not had a meeting. They have not had a quorum.

Mr. STEPHENS of Texas. I think the bill has not been before the full committee.

Mr. MANN. If that is the case, I will object.

The SPEAKER. The gentleman from Illinois objects. The bill will be stricken from the calendar.

Mr. STEPHENS of Texas. I hope the gentleman will withhold his objection.

Mr. MANN. I will reserve the objection.

Mr. STEPHENS of Texas. I hope the gentleman from Minnesota [Mr. STEENERSON] will withdraw his amendment and permit this bill to pass as recommended by the department, with a committee amendment.

Mr. MANN. That is what I thought the position of the gentleman was, and I object.

The SPEAKER. Does the gentleman from Illinois object?

Mr. MANN. I object.

Mr. STEENERSON. Will the gentleman reserve his objection for a moment?

Mr. MANN. I am perfectly willing to do that.

Mr. STEPHENS of Texas. Will the gentleman permit it to be passed over without prejudice?

Mr. MANN. I object to that, but I will reserve the objection for a moment.

Mr. STEPHENS of Texas. I hope the gentleman will withdraw his amendment.

Mr. STEENERSON. The amendment is not pending. I simply stated for the benefit of the House that I would offer an amendment which is contained in a bill that I introduced on the subject, and which simply limits the authority of the department as to the sale of timber on one reservation in Minnesota. That is the Red Lake Reservation. It simply fixes a minimum price, so that the timber can not be sold for less than that, and provides certain regulations which I thought were proper.

The SPEAKER. The gentleman from Minnesota is speaking about an amendment that he intends to offer?

Mr. STEENERSON. An amendment that I intended to offer, but I will say to the chairman of the Committee on Indian Affairs and to the gentleman from Illinois that the amendment has not been considered by the committee. If the bill is taken up for consideration, I am willing to offer the amendment or to withhold it, just as may be desired. I would like to have the bill considered, and I hope there will be no objection to it.

Mr. STEPHENS of Texas. Will the gentleman permit me to ask him a question?

Mr. STEENERSON. I will.

Mr. STEPHENS of Texas. I desire to ask both the gentleman from Illinois and the gentleman from Minnesota, if we should strike out the words "Menominee Indians" and say "any Indians within the State of Wisconsin," would that satisfy the gentlemen?

Mr. STEENERSON. I understand the gentleman from Wisconsin [Mr. FREAR] proposes to except Wisconsin from the bill.

Mr. STEPHENS of Texas. Would that be satisfactory to the gentleman?

Mr. FREAR. As far as Wisconsin is concerned—

Mr. STEENERSON. I was going to leave Wisconsin out of the bill, so that it would apply to Minnesota.

Mr. MANN. I do not know of anybody either from Wisconsin or Minnesota who is in favor of this bill. What is the use of considering the proposition by unanimous consent?

Mr. STEENERSON. I am in favor of the bill, but I would prefer it with my amendment.

Mr. STEPHENS of Texas. I will say that recently a joint committee of the two Houses investigated this measure in Washington and also in New Mexico. They found that there is on these reservations a great deal of timber that is dead and down and timber that is mature. When forest fires sweep over these mountains, as they do very often, millions of dollars' worth of timber is destroyed.

Mr. MANN. We have the authority now to sell it.

Mr. STEPHENS of Texas. This authorizes the department to make such rules and regulations as may be prescribed for marketing this timber.

Mr. MANN. They already have the authority to sell that timber.

Mr. STEPHENS of Texas. The committee restricts that in this way: They desire to have the right to sell this timber and take the proceeds and use it among the Indians. We object to that and want it to go into the United States Treasury to the credit of the Indians.

Mr. MANN. That is existing law.

Mr. STEPHENS of Texas. No; the existing law is that on all the reservations except those in Minnesota and Wisconsin the proceeds from the sale of timber, burnt timber, goes into the hands of the commissioner, to use as he deems proper.

Mr. STAFFORD. Mr. Speaker, I was informed by my colleague [Mr. LENROOT] that there is a hearing going on now before some committee in relation to this matter.

Mr. STEPHENS of Texas. I think that is a Senate committee.

Mr. STAFFORD. It is not before the gentleman's Committee on Indian Affairs.

Mr. STEPHENS of Texas. No; but before some Senate committee.

Mr. STAFFORD. The gentleman from Wisconsin [Mr. LENROOT] is not favorable to this bill, as far as Wisconsin is concerned, and wishes to have Wisconsin specially exempted.

Mr. STEPHENS of Texas. Does the gentleman desire to have the bill passed over without prejudice so that the Committee on Indian Affairs can take it up and consider it?

Mr. MANN. The committee can take it up and consider it at any time.

Mr. STEPHENS of Texas. If it is stricken from the docket, there would be no chance to pass it in this session, for the gentleman knows that we have a buffer in the way.

Mr. MANN. The gentleman from Texas can restore it to the Unanimous Consent Calendar, and if the committee can get it in shape so that there will be a semblance of protection to the Indians it may go through. But everybody familiar with the situation knows that if this bill should become a law they would sell a lot of this timber for a song, and while a song is worth something it is not valuable to the Indian.

Mr. STEPHENS of Texas. Will the gentleman from Illinois tell me how he would go to work to put this timber on the market if he did not do it through the Indian Bureau?

Mr. STEENERSON. They have a right now to sell the dead and down timber, but now they want to sell the green timber as well.

Mr. MANN. Taking the state of the market, this is not a good time in which to sell Indian timber.

Mr. STEENERSON. As I understand it, the necessity for this legislation is that under the existing law, so far as Minnesota and Wisconsin are concerned, the department only has authority to sell the dead and down timber. On all other reservations the department has the right to sell green live timber as well as dead and down. So Minnesota and Wisconsin are the only exceptions to the general rule. The reason why the department asks for this change is that in the Red Lake Reservation there is a large quantity of timber that is dead and down by reason of forest fires. They further say that they can not cut and can not sell that timber because it can not be cut without cutting green timber. They offered it for sale a year ago and could get no offers, because the condition was that they must take out the dead and down without touching any green timber, and that was impracticable. That timber is going to waste, and the Indians are losing probably from one to two hundred thousand dollars by reason of the inaction of Congress. Although it may be contended that it is for the protection of the Indians that they are objecting to this, I do not look at it in that light. I believe I would be willing to risk passing the bill in the form proposed by the department rather than have it postponed another year, on account of the loss that is sure to result from inaction. I should prefer to have the bureau limited, as I have stated heretofore.

Mr. MANN. The gentleman offers an amendment putting a minimum limit on the price at which the timber shall be sold?

Mr. STEENERSON. Yes.

Mr. MANN. Does the gentleman think that the timber ought to be sold for a price less than the minimum?

Mr. STEENERSON. No.

Mr. MANN. What is the objection to the committee putting in a minimum limit?

Mr. STEPHENS of Texas. Because there are many reservations remote from the railroads or navigable streams.

Mr. MANN. Oh, no; it only applies to the Red Lake, and all the timber there is near the water. Here it is proposed to have the department sell this timber without a limited minimum price, and everybody knows that if they sell it it will be sold for far less than it would have been a few years ago or will be in a few years hence. It will be giving away the Indians' timber, and I am not willing to be a party to it by unanimous consent agreement.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

SETTLERS ON THE GRANT TO NEW ORLEANS, BATON ROUGE & VICKSBURG RAILWAY CO.

Mr. ASWELL. Mr. Speaker, the gentleman from New Jersey [Mr. TOWNSEND] objected to the consideration of the bill H. R. 5890. He now states that he misunderstood the object of the bill and was laboring under a false impression. I ask that the bill be restored to the calendar.

The SPEAKER. What is the number of the bill?

Mr. ASWELL. It is the bill H. R. 5890, relating to the relief of settlers within the limits of the grant to the New Orleans, Baton Rouge & Vicksburg Railway Co.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. MANN. Reserving the right to object, the gentleman has the right to place it again on the calendar. It has never gone off before.

Mr. ASWELL. But I would like to have it restored to its original place.

Mr. MANN. I am not going to object to the bill.

Mr. ASWELL. Let me explain. The gentleman from New Jersey misunderstood the bill. He said he did not know anything about it, and he objected for another reason, and now he says he would like to see it restored.

Mr. MANN. I am not opposing the bill. The gentleman can place it on the calendar again.

Mr. ASWELL. But it will be so far down on the calendar that it will not stand a chance of being considered.

Mr. MANN. The gentleman, having lost his advantage, is seeking by unanimous consent to get advantage over some one else.

Mr. ASWELL. No; and the bill lost its place through mistake.

The SPEAKER. The gentleman from Illinois objects.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 7951. An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and acts supplementary thereto, and the United States Department of Agriculture.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5031. An act quieting the title to lot 44 in square 172 in the city of Washington.

AUTHORIZING SHOSHONE INDIANS TO BRING SUIT IN COURT OF CLAIMS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14869) authorizing the Shoshone Tribe of Indians residing on the Wind River Reservation in Wyoming to submit claims to the Court of Claims.

The Clerk read as follows:

Be it enacted, etc., That all claims of whatsoever nature, both legal and equitable, which the Shoshone Tribe of Indians, residing on the Wind River Reservation in Wyoming, may have, or claim to have, against the United States under the treaty between the United States and said Shoshone Tribe ratified February 26, 1869, or under any other laws or treaties, may be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the rights of said Shoshone Tribe in and to said reservation, and the proceeds and profits therefrom; and for determination of the amounts, if any, of the funds of said Shoshone Tribe which have been wrongfully paid by the United States to the Arapahoe Tribe of Indians residing on said reservation; and for determination of the amounts, if any, due to said Shoshone Tribe from the United States for

their being deprived of the use and occupancy of said reservation; and for determination of the amounts, if any, due to said Shoshone Tribe from the United States for portions of said reservation, if any, which have been appropriated by the United States for said Arapahoe Tribe, or individual members thereof; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all legal and equitable claims, if any, of said Shoshone Tribe against the United States arising out of said treaty, and also any legal or equitable defense, set-off, or counter-claim which the United States may have against said Shoshone Tribe, and to enter judgment, and, in determining the amount of judgment to be entered herein, the court shall deduct from any sums found due said Shoshone Indians any and all gratuities paid said Shoshone Indians, or individual members thereof, subsequent to 1877. The Court of Claims shall advance said cause upon the docket for hearing, and shall have authority to determine and adjudge the rights, both legal and equitable, of said Shoshone Tribe arising out of said treaty, and all rights and equities of the United States in the premises, notwithstanding lapse of time or statutes of limitation; and the final judgment and satisfaction thereof shall be a full settlement of all claims of said Shoshone Tribe against the United States. Such cause shall be commenced within one year after the passage of this act, and in such cause the said Shoshone Tribe shall be party plaintiff and the United States shall be party defendant; and the petition setting forth the cause of said Shoshone Tribe shall be verified by the attorneys employed by said Shoshone Tribe to prosecute their claims under this act under contract approved by the Secretary of the Interior and the Commissioner of Indian Affairs, as provided by law, upon information and belief as to the facts alleged therein, and no other verification to said petition shall be necessary. The Attorney General of the United States is hereby directed to appear in said cause in behalf of the United States. Upon the final determination of said cause, the Court of Claims shall decree such fees as the court shall find reasonable to be paid to the attorneys employed by said Shoshone Tribe, and the same shall be paid out of any sum or sums found due to said Shoshone Tribe, or out of any sum or sums which may be placed to the credit of said Shoshone Tribe as a result of said cause: *Provided*, That in no case shall the fees decreed by said court be in excess of the amount stipulated in the approved contract, nor amount to more than 10 per centum of the amount and value of the judgment recovered in said cause: *Provided further*, That all sums of money which may be found to be due and recovered for the Shoshone Tribe of Indians under the provisions of this act, less attorneys' fees, shall be deposited to the credit of said Indians in the Treasury of the United States, which sum shall thereafter draw interest at 3 per cent per annum.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I understood the gentleman was going to endeavor to get some information as to how much was involved in this bill.

Mr. LOBECK. Well, it is impossible to get reliable information, for the court will determine, and no one can tell what that will be; but there is to be deducted for gratuities to the Shoshones amounting to \$464,000 and for cost of irrigation plants costing \$561,000, so that there is a total of \$1,025,000, which would be deducted from the final claim.

Mr. MANN. How many acres are there involved here, or rather how many millions of acres?

Mr. LOBECK. There are 600,000 acres in the reservation. I said the other day Arapahoes had been allotted 75,000 acres, but the Arapahoes have been allotted about 100,000 acres.

Mr. MANN. There are 600,000 acres in the entire tract, in the tract referred to here as being in controversy, and a portion of that is irrigated land worth \$75 to \$100 an acre?

Mr. LOBECK. No, sir.

Mr. MANN. What is it worth?

Mr. LOBECK. Well, I can not tell what it is worth, but over a million dollars will be deducted from what improvements have been made on that portion. The irrigated lands of the tract that are subject to irrigation are something in the neighborhood of 100,000 acres situated in the eastern or in the lower part of this tract, and the rest is timberland and mountain land and grazing land that the tribes of the Arapahoes and Shoshones have used together during these years.

Mr. MANN. I do not now recall whether this bill provides for fixing the value of this land at the time it was turned over to the Arapahoes, or whether it fixes it at the time the suit is determined.

Mr. LOBECK. If it be determined at the time the land was taken over by the Arapahoes back in 1877, then there would be no balance; if the court should deduct the amount that has been expended and gratuities, why, they would have no money at all, because that land had no particular cash value at that time.

Mr. MANN. The claim is that some land was given the Arapahoes that belonged to the Shoshones.

Mr. LOBECK. Yes.

Mr. MANN. In the meanwhile we pay the Shoshones more than the land was worth at the time it was taken.

Mr. LOBECK. The Arapahoes got the full benefit of that.

Mr. MANN. And in the course of time we make the land very valuable by our modern system of irrigation, and then the Shoshones come along and want us to pay them the present value of the land, which we have made valuable by a system of irrigation which they would not have done in a million years.

Mr. MONDELL. Will the gentleman from Nebraska allow me?

Mr. LOBECK. Certainly.

Mr. MONDELL. The statement made by the gentleman from Illinois—

Mr. MANN. I put a question only.

Mr. MONDELL. Very well; the question is not an accurate statement of the situation.

Mr. MANN. It was very likely not. Give us one.

Mr. MONDELL. There were more than a million acres of land in the reservation—I think approximately a million and a quarter acres.

Mr. MANN. The gentleman from Nebraska just stated it was 600,000 acres. I do not know—

Mr. MONDELL. The gentleman from Nebraska evidently meant the ceded land. There was approximately a million and a quarter acres in the Shoshone Reservation in Wyoming, a reservation granted to and claimed to be the property of the Shoshone Tribe.

The Arapaho Tribe was placed on this reservation. They have since occupied it as though they were joint owners. Approximately 100,000 acres of the entire area have been allotted to the Arapahoes, so that the claim of the Shoshones under this bill would be for the value of the land which the Arapahoes have taken. Now, with regard to the improvements upon that land, it should be remembered that we are improving these lands; we are building irrigation ditches from appropriations reimbursable from the fund to be derived from the sale of the ceded portion of the reservation. In making up the amount that would be due the Shoshones it would be the original cost or value of the land which the Arapahoes now occupy.

Mr. LOBECK. Very true.

Mr. MONDELL. Added to that what has been taken from the common fund to improve the Arapahoes' land, so that it would not be a question of the value of those lands after irrigation, but as to what the lands were worth originally which the Arapahoes took and then how much of the joint funds have been used for the improvement of those lands. If the court shall hold that the Shoshones have a good case, the court would of course hold that the joint fund was not in fact a joint fund but the Shoshones' fund, and therefore the funds taken from them for improvement of the Arapahoes' land, the court would probably say should be paid back. My understanding is it costs approximately \$15 an acre to irrigate those lands. Not all of the 100,000 acres have been irrigated; probably not over 50,000 have been completely irrigated. Those lands have been irrigated from appropriations ostensibly coming out of the Shoshones' funds, but in fact coming out of the Treasury until such time as we shall secure moneys for the reimbursement of those appropriations from the sale of the ceded lands. I think that is as accurate a statement as could be made of what the finding of the court would be, assuming that the court should find that the reservation belongs to the Shoshones and that the Arapahoes are not entitled to share. We would have to pay first for the land, and, secondly, for whatever has been paid from the Shoshone funds for the irrigation of those lands.

Mr. MANN. They would have to pay—whom does the gentleman mean?

Mr. MONDELL. I said we would have to pay.

Mr. MANN. Who would have to pay this?

Mr. MONDELL. The Government would pay for it.

Mr. MANN. That is another proposition.

Mr. STAFFORD. The Arapahoes have no fund at all, I understand.

Mr. MONDELL. The Government would pay, to be entirely accurate. If this reservation is the property of the Shoshones, then the Government would be required to pay whatever the court held the lands which have been allotted to the Arapahoes were worth and whatever sums have been used from the joint fund for the improvement of those lands.

Mr. MANN. The gentleman says, "the lands were worth." Where does the gentleman get any authority for the statement that it will not be the value which the lands "are" worth?

Mr. MONDELL. Well, it could not in the nature of things, in the language of the act, be the value that the lands after irrigation are worth, because the only claim the Shoshones could have would be, first, that some of their land was taken, and, second, that some of their funds have been used for the purpose of improving the value of those lands.

Mr. MANN. Do not the Shoshones claim that they own this land?

Mr. MONDELL. Yes, sir.

Mr. MANN. If a man owns property, why, certainly he would be entitled to the value of it.

Mr. MONDELL. He is entitled to the value of it at the time it was taken from him and whatever else is added to it out of this fund.

Mr. MANN. Here is the claim that the Shoshones have, that they own this land which the Government put the Arapaho Indians on, and they want the value of the land now, as stated by the gentleman from Nebraska [Mr. LOBECK].

Mr. MONDELL. If the gentleman wants to put it that way, I will say to him that these lands are selling, lands that are called "dead Indian lands"—heirship lands—these lands are selling, I am told, with their water rights, the few small tracts that are being sold, anywhere from \$20 to \$30 an acre.

Mr. MANN. Well, that would be \$2,500,000, although my opinion is that they are worth \$50 an acre.

Mr. MONDELL. I think they are actually worth that much.

Mr. LOBECK. They are worth about \$24 an acre, so I am informed.

Mr. MANN. I think the gentleman should be informed on a question of this kind when it is intended to give the Indians not their legal rights, but their supposed equitable rights. I am willing to give the Indians any time their legal rights.

Mr. MONDELL. Will the gentleman let the bill go over in order that further information can be obtained?

Mr. MANN. I will allow the bill to go over by objecting to further consideration. Has it not gone off the calendar before?

Mr. LOBECK. It was passed without prejudice a week ago.

Mr. MANN. Then I object. It can go back on the calendar.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

#### LANDS IN SIERRA NATIONAL FOREST, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13770) to consolidate certain forest lands in the Sierra National Forest, Cal.

The bill was read as follows:

*Be it enacted, etc.,* That for the purpose of preserving scenic features and consolidating certain forest lands belonging to the United States within the Sierra National Forest and the Yosemite National Park, Cal., the Secretary of the Interior be, and he hereby is, authorized and empowered, upon the recommendation of the National Forest Reservation Commission created by act of March 1, 1911 (36 Stats., p. 961), acting upon the advice and recommendation of the Secretary of Agriculture, and after the approval by the Attorney General of the United States of the titles to lands to be acquired, to exchange lands belonging to the United States which are a part of the Sierra National Forest for privately owned timberlands of approximately equal value lying within the boundaries of said Sierra National Forest and the said Yosemite National Park: *Provided,* That upon the consummation of an exchange hereunder the lands acquired by the United States within the boundaries of the Sierra Forest shall become a part of that national forest and that within the boundaries of the Yosemite National Park shall become a part of that park.

Also the following committee amendments were read:

Page 1, after the word "empowered," in line 7, strike out the following language: "Upon the recommendation of the National Forest Reservation Commission, created by act of March 1, 1911 (36 Stat., 961), acting upon the advice and recommendation of the Secretary of Agriculture, and after the approval by the Attorney General of the United States of the titles to lands to be acquired, to exchange lands belonging to the United States which are," and insert "upon the recommendation of the Secretary of Agriculture, and after obtaining and accepting for the land to be acquired, which title shall be approved by said Secretary of the Interior, to exchange lands belonging to the United States which are."

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to consider the bill in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, the Clerk did not finish reporting the amendment.

The SPEAKER. The Clerk will finish the reporting of the committee amendments.

The Clerk read as follows:

Page 2, line 18, after the word "park" insert the following: "*Provided further,* That only the following privately owned lands in the Sierra National Forest may be acquired by the United States under the exchange: N.  $\frac{1}{2}$  SE.  $\frac{1}{4}$  and SE.  $\frac{1}{4}$  sec. 34, SW.  $\frac{1}{4}$  SW.  $\frac{1}{4}$  sec. 35, and all of sec. 36, T. 4 S., R. 20 E., M. D. M.; E.  $\frac{1}{2}$  NE.  $\frac{1}{4}$  and S.  $\frac{1}{2}$  SW.  $\frac{1}{4}$  sec. 32, W.  $\frac{1}{2}$  NW.  $\frac{1}{4}$  sec. 33, T. 4 S., R. 21 E., M. D. M.; SE.  $\frac{1}{4}$  sec. 1, SE.  $\frac{1}{4}$  SE.  $\frac{1}{4}$  (lot 16) sec. 11, lots 3 and 4, SW.  $\frac{1}{4}$  NW.  $\frac{1}{4}$ , SW.  $\frac{1}{4}$  and SE.  $\frac{1}{4}$  sec. 12, lots 2, 5, 6, and 7, sec. 13, T. 5 S., R. 20 E., M. D. M.; lots 2 and 6, sec. 5, portion NW.  $\frac{1}{4}$  NW.  $\frac{1}{4}$  south of traverse, SW.  $\frac{1}{4}$  NW.  $\frac{1}{4}$  portion SE.  $\frac{1}{4}$  NW.  $\frac{1}{4}$  west of traverse, NE.  $\frac{1}{4}$  SW.  $\frac{1}{4}$ , SE.  $\frac{1}{4}$  SW.  $\frac{1}{4}$ , and that portion of the SE.  $\frac{1}{4}$  west of the traverse, sec. 8, portion of NW.  $\frac{1}{4}$  NE.  $\frac{1}{4}$  west of traverse, SW.  $\frac{1}{4}$  NE.  $\frac{1}{4}$ , portion of SE.  $\frac{1}{4}$  NE.  $\frac{1}{4}$  west of traverse, and portion of E.  $\frac{1}{2}$  SE.  $\frac{1}{4}$  west of traverse, sec. 17, portion of NE.  $\frac{1}{4}$  NE.  $\frac{1}{4}$  west of traverse, and portion of E.  $\frac{1}{2}$  SE.  $\frac{1}{4}$  west of traverse, sec. 20, T. 5 S., R. 21 E., M. D. M.; and that only the NE.  $\frac{1}{4}$  sec. 36, T. 4 S., R. 21 E., M. D. M., in the Yosemite National Park may be acquired by the United States under the exchange; and that only the following lands may be given in exchange by the United States: W.  $\frac{1}{2}$  lot 9, and W.  $\frac{1}{2}$  SW.  $\frac{1}{4}$  sec. 3; portion of lots 4 and 5 north of traverse, sec. 5; portions of lots 1, 2, 3, and 5, south of traverse; portion of lot 6 east of traverse; lots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,

17, 18, 19, and portions of lot 20 north of traverse, sec. 6; portion of the N.  $\frac{1}{2}$  NE.  $\frac{1}{4}$  south of traverse line, sec. 7; N.  $\frac{1}{2}$  NE.  $\frac{1}{4}$ , SW.  $\frac{1}{4}$  NE.  $\frac{1}{4}$  and N.  $\frac{1}{2}$  NW.  $\frac{1}{4}$  sec. 10; SW.  $\frac{1}{4}$  NW.  $\frac{1}{4}$  and NW.  $\frac{1}{4}$  SW.  $\frac{1}{4}$  sec. 11; SW.  $\frac{1}{4}$  NE.  $\frac{1}{4}$  and SE.  $\frac{1}{4}$  NW.  $\frac{1}{4}$  sec. 13; portion of SW.  $\frac{1}{4}$  NE.  $\frac{1}{4}$  east of traverse, sec. 20, T. 5 S., R. 21 E., M. D. M.; SW.  $\frac{1}{4}$  SW.  $\frac{1}{4}$  sec. 9, NE.  $\frac{1}{4}$  NE.  $\frac{1}{4}$  (lot 1) sec. 17, lot 5, sec. 18, SW.  $\frac{1}{4}$  SW.  $\frac{1}{4}$  and SE.  $\frac{1}{4}$  SW.  $\frac{1}{4}$  sec. 19, SW.  $\frac{1}{4}$  NW.  $\frac{1}{4}$  sec. 28, NW.  $\frac{1}{4}$  NE.  $\frac{1}{4}$  sec. 29, SW.  $\frac{1}{4}$  NE.  $\frac{1}{4}$  NW.  $\frac{1}{4}$ , SW.  $\frac{1}{4}$  NW.  $\frac{1}{4}$ , SE.  $\frac{1}{4}$  NW.  $\frac{1}{4}$ , lot 1, NE.  $\frac{1}{4}$  SW.  $\frac{1}{4}$ , NW.  $\frac{1}{4}$ , SE.  $\frac{1}{4}$  SW.  $\frac{1}{4}$ , W.  $\frac{1}{2}$  SE.  $\frac{1}{4}$ , and SE.  $\frac{1}{4}$  SE.  $\frac{1}{4}$  sec. 30, T. 5 S., R. 22 E., M. D. M.; NE.  $\frac{1}{4}$  SE.  $\frac{1}{4}$  and S.  $\frac{1}{2}$  SE.  $\frac{1}{4}$  sec. 2; N.  $\frac{1}{2}$  NE.  $\frac{1}{4}$  sec. 11, NW.  $\frac{1}{4}$  NE.  $\frac{1}{4}$ , S.  $\frac{1}{2}$  NE.  $\frac{1}{4}$ , and NW.  $\frac{1}{4}$  sec. 12, T. 6 S., R. 21 E., M. D. M.; NE.  $\frac{1}{4}$  NW.  $\frac{1}{4}$  and S.  $\frac{1}{2}$  NW.  $\frac{1}{4}$ , sec. 7, T. 6 S., R. 22 E., M. D. M."

Mr. MANN. Mr. Speaker, I wanted to ask the gentleman whether he is assured about the description of the property in this bill? I notice the report does not describe the property. Does the gentleman have a statement from the Department of Agriculture that this is the accurate description of the property involved?

Mr. FERRIS. Mr. Speaker, the gentleman from California [Mr. CHURCH], of the Committee on Public Lands, was designated by the committee to go down and ask them to procure that exact data. He came back with a written report, a written statement, from them, giving us these figures. Since that time they have sent us another notation which shows there is a discrepancy in a word or two, and I am going to ask that that be added. It will embody then precisely the figures they gave us as to the land we are to receive and the amount we are to give away.

Mr. MANN. The only reason I ask is, of course, it is manifestly impossible for Congress itself to know the proper description or purpose except by a report through the department.

Mr. FERRIS. That is very true.

Mr. MANN. They are the ones that ought to be held responsible if there is an error. If they have said this is a description, it is satisfactory to me.

Mr. FERRIS. They have; and we have gotten every one of the figures from them. Now, Mr. Speaker, I send this amendment to the desk, embodying a supplemental report from the department which shows the change to be made. This is an amendment to the committee amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 19, page 3, by adding after the word "traverse" the words "portion southeast quarter northeast quarter west of traverse."

Also:

Amend, line 7, page 4, by changing the word "north" to read "south."

The SPEAKER. The question is on agreeing to the amendments.

The amendments to the amendment were agreed to.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### LEAVE OF ABSENCE.

Mr. SLAYDEN, by unanimous consent, was granted leave of absence, indefinitely, on account of important business.

#### INTERNATIONAL CONGRESS OF AMERICANISTS.

The next business on the Calendar for Unanimous Consent was the resolution (H. J. Res. 109) authorizing the President to extend invitations to foreign Governments to participate in the International Congress of Americanists.

The Clerk read as follows:

*Resolved, etc.,* That the President be, and he is hereby, authorized to extend invitations to foreign Governments to be represented by delegates at the Nineteenth International Congress of Americanists, to be held at the city of Washington in September of the year 1914: *Provided,* That no appropriation shall be granted for expenses of delegates, or for other expenses incurred in connection with the said conference.

With a committee amendment, as follows:

In line 6, strike out the word "September" and insert the word "October" in lieu thereof.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I wish the gentleman from Maryland [Mr. LINTHICUM] would make a brief statement about this, and the necessity for it, and the reason why we should invite people here and then refuse to pay the bills.

Mr. LINTHICUM. We do not refuse to pay the bills. They do not ask us to pay the bills. They will be paid by the society and by friends of the society.

I want to say to the gentleman from Illinois that in the Senate, when this matter was considered, Senator Smoot said he would object if we should agree to pay any of the bills. Now, when we get it over here the gentleman from Illinois thinks

we ought to pay the bills. The fact is, the society has arranged to pay all the expenses of these delegates, and the Government will not be called upon to pay one cent, and there will not be any feeling about the matter, either. These gentlemen will be treated properly, without expense to the Government.

Mr. MANN. Well, who will pay the expenses?

Mr. LINTHICUM. The society has agreed to pay the bills. The delegates are to be invited to various places. The gentleman from Wisconsin [Mr. KONOP] will explain that.

Mr. MANN. The gentleman will probably remember the unfortunate experience we had in connection with an international congress which met at Buffalo, where it was insisted that the Government would not pay the bills, and then a new Member came in and even had the President to send up a message, stating that we ought to pay the bills, notwithstanding the agreement not to pay.

Mr. KONOP. Dr. Ales Hrdlička, the secretary of the society, has informed me that the organization and friends and members of the society have subscribed funds, and there will be no expense whatever to the Government.

Mr. MANN. Then what good will it do to pass the resolution?

Mr. KONOP. I understand a law has been passed forbidding the President to invite delegates to international congresses to be held in this country without authority of law.

Mr. MANN. What is the object of having the President in the invitation say—

Mr. KONOP. It seems that the delegates to all these congresses have been invited heretofore by the Governments of the countries in which they are held, and I have letters here and extracts from letters from eminent foreigners stating that it is absolutely necessary that they be invited officially by the Government.

Mr. WILLIS. Mr. Speaker, will the gentleman yield to me for a suggestion?

Mr. KONOP. Yes.

Mr. WILLIS. I understand from the report here that—

The expenses of the Washington session will be defrayed entirely by the scientific men who are charged with the organization of this session from their membership payments and from such voluntary contributions of our friends as we may be able to secure.

Who are these "we"?

Mr. KONOP. I do not know. I am not a member of that organization.

Mr. WILLIS. This is the committee report. The committee will have to pay the expense, as I understand from that language.

Mr. LINTHICUM. No. The committee never pays any bills. [Laughter.] The gentleman knows that. I want to say that the reason why we have to ask the President to invite the delegates here is stated in a letter from President Franz Heger, director of the National Museum at Vienna, saying that it will be absolutely impossible for him to come unless the invitation is extended by the United States Government.

Mr. WILLIS. Will the gentleman state whether in the meetings heretofore the expenses have been borne by the Government?

Mr. KONOP. No. All the expense was borne by the scientific men and the men interested in scientific research. The last one was held in London in 1912.

Mr. MANN. Does the gentleman know how many conventions or congresses are going to be held in San Francisco in the year 1915?

Mr. KONOP. I do not know. I am told that 241 congresses have been invited to meet there.

These people are first to go to Philadelphia and then to the western part of the country to investigate the early history of man in North America, especially the Pueblo Indians, and to make scientific investigations.

Mr. MANN. This matter is largely under the control of the Smithsonian?

Mr. KONOP. Yes.

The SPEAKER. Is there objection?

Mr. GOULDEN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Maryland a few questions. Can the gentleman tell me what this body is? It is said to be an international congress of "Americanists." That term "Americanists" is a very broad term. What does the congress stand for?

Mr. LINTHICUM. It is a body of gentlemen who are making a study of archaeology and anthropology in the United States. Their work grows largely out of the discoveries in South America made by Humboldt. The society has been in existence about 25 or 30 years and is the outgrowth of the American Society of France organized in 1857. The last international convention was held in London without any expense to the Parliament of Great Britain. The next two are to be held in America, one

to be held this year in Washington at the National Museum and then the next one is to be held in La Paz, the capital of Bolivia, in 1916. This society has to do with the study of man and his history and work, especially the Indian races.

Mr. GOULDEN. I can see no objections to this resolution.

The SPEAKER. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, I ask that the Committee on Foreign Affairs be discharged from the further consideration of Senate joint resolution 97, and that that resolution be considered instead of House resolution before us.

The SPEAKER. Is the Senate resolution on the calendar?

Mr. LINTHICUM. No. It is before the committee.

Mr. MANN. It is theoretically before the committee. The papers are here.

Mr. LINTHICUM. The papers are on the Speaker's desk.

Mr. KONOP. The papers are on the desk, Mr. Speaker.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] moves that the Committee on Foreign Affairs be discharged from the further consideration of Senate joint resolution 97. Is there objection?

There was no objection.

Mr. MANN. And that the resolution be considered in the House in lieu of the House resolution.

The SPEAKER. And that the Senate resolution be considered in the House in lieu of the House joint resolution 109. Is there objection?

There was no objection.

Mr. MANN. We should have it read, Mr. Speaker.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Joint resolution (S. J. Res. 97) authorizing the President to extend invitations to foreign Governments to participate in the International Congress of Americanists.

*Resolved, etc.,* That the President be, and he is hereby, authorized to extend invitations to foreign Governments to be represented by delegates at the Nineteenth International Congress of Americanists, to be held at the city of Washington in October of the year 1914: *Provided,* That no appropriation shall be granted for expenses of delegates or for other expenses incurred in connection with the said conference.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

Mr. MANN. House joint resolution 109 should be laid on the table.

The SPEAKER. Without objection, the House joint resolution 109, of the same tenor, will lie on the table.

There was no objection.

On motion of Mr. LINTHICUM, a motion to reconsider the vote whereby the Senate joint resolution was passed was laid on the table.

#### POST OFFICE AND COURTHOUSE, PENSACOLA, FLA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12201) to increase the limit of cost for the extension, remodeling, and improvement of the Pensacola (Fla.) post office and courthouse, and for other purposes.

The bill was read, as follows:

*Be it enacted, etc.,* That the act entitled "An act making appropriations for necessary civil expenses of the Government for the fiscal year ending June 30, and for other purposes," approved August 24, 1912, be, and the same is hereby, amended, so as to increase the limit of cost for the extension, remodeling, and improvement of the Pensacola (Fla.) post office and courthouse in the sum of \$30,000, or so much thereof as may be necessary to complete said extension, remodeling, and improvement.

With the following committee amendment:

Page 1, line 3, after the word "act," strike out the words: "Strike from lines 3, 4, 5, and 6 the words 'making appropriations for necessary civil expenses of the Government for the fiscal year ending June 30, and for other purposes,' approved August 24, 1912," and insert in lieu thereof the words "to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, approved June 25, 1910."

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I observe from the letter of the Secretary of the Treasury, printed in the report, that a part of this appropriation is to provide for a sidewalk around the building. Is that true?

Mr. WILSON of Florida. It is.

Mr. FOSTER. Has the gentleman noticed that within the last two or three days there has been a notice issued in which it is said that the Government will not pay assessments for sidewalks around post offices?

Mr. WILSON of Florida. I will say to the gentleman from Illinois that it has been customary heretofore to build sidewalks, although the Supervising Architect says that there is

no justification for such a course. It has been done very frequently heretofore in many places.

Mr. FOSTER. This additional appropriation will provide for a lot of ornaments in and around this building.

Mr. WILSON of Florida. No. I will say to the gentleman that this building is in my home town, and I know all about the conditions. As United States attorney, I was an occupant of this building for several years, and since then I have been an occupant of a building right across the street. When I was at home a few weeks ago I went through this building with the architect in charge, and he pointed out to me many things that an untechnical mind could readily discern to be necessary for the proper completion of this building. For instance, they have closed up the back of the building and closed several windows and doors. There is no appropriation to paint the walls, and they will be blotched and spotted, unless it can be done by an additional appropriation. In addition to that the woodwork in the post office has been moved back several feet, making the lobby larger, leaving 3 or 4 feet of unfinished flooring work. That makes another botch which they can not proceed to cure unless they get this appropriation.

In addition to that the city of Pensacola has within the last two or three years reggraded the streets around this building, and it is anywhere from a foot and a half to 2 feet from the street paving up to the sidewalk. Aside from that, the sidewalk is cracked, worn, and in a very bad condition. Now, there may be one or two items mentioned by the architect in charge that are purely ornamental. For instance, the lights that he mentions may be. Lights of some kind are necessary, and his recommendation is based—

Mr. FOSTER. You mean outside of the building? We are providing lights outside and not inside the building.

Mr. WILSON of Florida. On the Government property.

Mr. FOSTER. These lights are on the street, at the entrance to the building, are they not?

Mr. WILSON of Florida. Right at the entrance. They are in keeping with the lighting system that the city has recently installed. The revolving doors seem to be necessary, because they keep out rain and cold and storm. Now they have only swinging doors, something like those leading into this Hall, and while some items may appear to be ornamental, I will state to the gentleman, though I am not an architect, I know personally that the building will be left in a very unfinished condition unless we make this appropriation, or at least some part of it; and furthermore, in the course of a year or two, I think it will undoubtedly be realized that this work will have to be done, necessitating the tearing up of the building again to some extent. At this time all the officers have vacated this building and are using rented buildings in several parts of the city. This is an old building. It was placed there some time in the eighties. The original appropriation of \$100,000 must, we think, be supplemented by this amendment for \$30,000 more in order to put the building in proper condition. In fact, I know that it will be uncompleted unless we give this or the greater part of it.

Mr. FOSTER. I will say to the gentleman that I think some of these items are really necessary and ought to be allowed; but, on the other hand, I think there are a lot of these things that are simply put in there as an additional expense; that are not for the good of the building or for the convenience of the public or the men who occupy the building.

Mr. WILSON of Florida. Is the gentleman in a position to suggest the amount which he thinks this appropriation ought to be reduced on account of that?

Mr. FOSTER. No. I will say to the gentleman that I could not tell how much that would be; but I want to call attention to the fact that, in my judgment, we ought not to be allowing for the extension of public buildings and paying a lot of these expenses that are unnecessary. I do not propose to object to this, but I think these matters ought not to be put in these public-building bills, providing for ornaments, which, in my opinion, simply make an expense to the Government.

Mr. MADDEN. Will the gentleman yield?

Mr. WILSON of Florida. Yes.

Mr. MADDEN. I understood the gentleman from Florida to say—although I may not have understood him properly—that part of this money will be expended for street improvement.

Mr. WILSON of Florida. Oh, no; for sidewalk approaches around the building—not on the street at all.

Mr. MADDEN. Not on the street?

Mr. WILSON of Florida. Oh, no. The street is thoroughly paved and lighted by the city.

Mr. ADAIR. Will the gentleman yield to me?

Mr. WILSON of Florida. Certainly.

Mr. ADAIR. I should like to ask a question for information. There is no law, is there, that provides that the Government shall pay any part of the cost of street improvement in front or on the side or rear of Government property?

Mr. WILSON of Florida. I think not, and we do not ask that the street be improved.

Mr. ADAIR. I understand that. I am just asking for information. Is it the practice and policy of the Government to pay for sidewalks in front of Federal buildings?

Mr. WILSON of Florida. I understand it has been the practice to do so, but there is some question about the right to do so. But I will say to the gentleman from Indiana that the city of Pensacola will not build a sidewalk around this building. The sidewalk is 6 or 8 feet in width and, as I stated a moment ago, the old sidewalk is absolutely worn out. I think it was put there before I was born.

Mr. ADAIR. I will say to the gentleman that I think the Government ought to pay for a sidewalk around a Federal post-office building.

Mr. WILSON of Florida. So do I.

Mr. ADAIR. There is no reason, there is no justice, and there is no sense in compelling a city to pay for such an improvement to Federal property, and the Government ought to pay for it.

Mr. FOSTER. It has never been the policy to do that.

Mr. ADAIR. It is a bad policy not to do it.

Mr. FOSTER. No; it is not; and there is no law for it.

Mr. ADAIR. The gentleman can not assign a single good reason why it should not be done.

Mr. FOSTER. It has been refused by the department.

Mr. ADAIR. For what reason?

Mr. FOSTER. It is not the law.

Mr. ADAIR. I understand that there is no law for it; but there should be a law compelling the Government to build sidewalks around and in front of its own property.

Mr. FOSTER. As I say, there is no law for it and ought not to be, so that assessments could be made against the Government.

Mr. ADAIR. Then the Government ought not to build a Federal building.

Mr. FOSTER. I think perhaps the gentleman may be right about that in some instances.

Mr. WILSON of Florida. Mr. Speaker, Pensacola is not a village; it is a town with thirty-odd thousand inhabitants; a very progressive town. Recently the city has built many miles of sidewalks and paved streets. This public building at Pensacola, which was put up in 1887 or 1888, is far inferior to several other buildings in that city. Indeed, right across the street is a 10-story bank building which cost very much more than the Federal building.

Mr. ADAIR. Does not the gentleman think that the Government, where it builds a public building, ought to be able to spend enough to put a sidewalk around it?

Mr. WILSON of Florida. Yes.

Mr. FALCONER. Will the gentleman yield?

Mr. WILSON of Florida. I do.

Mr. FALCONER. I want to ask the gentleman where the estimate was made for the additional cost of this building?

Mr. WILSON of Florida. In the Supervising Architect's Office in Washington.

Mr. FALCONER. The original estimate; but how about the estimate for the extra work? How does the gentleman get another estimate to increase the cost so as to provide for this building in the Supervising Architect's Office when there are 40 or 50 buildings where money has been appropriated for from three to five years, and where it is impossible to get an estimate of the cost of the buildings, resulting in holding them up all over the country?

Mr. WILSON of Florida. Did the gentleman ever build a house and find before he finished that he had not money enough; that there were more things needed than he thought for when he started out?

Mr. FOSTER. As I understand, this is to pay for the original enlargement.

Mr. WILSON of Florida. It is an emergency case.

Mr. FOSTER. After they got along this far they found that there were a lot of improvements that they could not put in. I will say to the gentleman from Washington that I have looked into this matter and that I think some of these things ought to be put in. It is an original enlargement from an appropriation some time ago, but when they got to this point they found that they had not enough money to put in these needed improvements.

Mr. FALCONER. I am not joining the gentleman from Illinois in his apparent enjoyment of deviling a new Member while getting his bill through.

Mr. FOSTER. No; I would not do that; but I saw some things in it that I thought ought not to be there.

Mr. FALCONER. What I wish to emphasize is that in many cities—cities in my own State, for instance—having had an appropriation for some years to build a public building, the buildings have been held up on the statement of the Supervising Architect that he could not get money enough to expend in the architect's office for clerical services so as to advance the building of these buildings. It occurred to me in the discussion of this question to ask how the gentleman found that he needed exactly \$30,000 in order to do this work. Was the estimate made in the Supervising Architect's Office; and if so, where did the Supervising Architect get the money to do the work?

Mr. WILSON of Florida. We have not the money yet; we are after the money now.

Mr. FALCONER. Do you spend money without getting an estimate?

Mr. WILSON of Florida. No; the estimate was made by the architect's office.

Mr. FALCONER. Was there enough money provided originally by the architect to make this estimate?

Mr. FOSTER. They thought there was; but in repairing an old building they found some things that were required that they are not able to do with the original allowance.

Mr. FALCONER. I am not talking about the appropriation for the building. I am talking about necessary money to provide service in the Supervising Architect's Office.

Mr. MADDEN. The gentleman from Wisconsin wants to know how the Supervising Architect got enough money to make an estimate for these additional repairs.

Mr. FALCONER. Yes. It is the architect's expenses that I am after.

Mr. WILSON of Florida. I can answer that; because, in the course of the improvements which were authorized in 1910, the architect had his man on the ground, and he is now there and has been there several months.

Mr. FALCONER. Then it has cost no extra money or expense in the Supervising Architect's Office?

Mr. WILSON of Florida. None at all.

Mr. FALCONER. Very well; that question could have been answered five minutes ago.

Mr. WILSON of Florida. I did not understand what the gentleman from Washington wanted to know.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

Mr. WILSON of Florida. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ADAIR. Mr. Speaker, I move to strike out the figures "\$30,000," on line 5, page 2, and insert in lieu thereof "\$31,000."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 5, strike out "\$30,000" and insert in lieu thereof "\$31,000."

Mr. ADAIR. Mr. Speaker, just a word. I offer this amendment in order that the Government may be able to construct a sidewalk around this property owned by the Government. I know it is not the law. I have been in a number of cities in this country where they have Federal buildings, and have seen sidewalks around those buildings that are a disgrace to the city and a disgrace to the Government, and I can see no reason why the Government should expend money in erecting a Federal building in which the post-office business of a city is to be transacted and not be permitted to build a sidewalk around it in keeping with the building itself. For that reason I offer this amendment.

Mr. FOSTER. Mr. Speaker, the gentleman from Indiana [Mr. ADAIR] offers this amendment for the purpose of building a sidewalk around this building; but I want to say there is provision made in this bill for the very purpose for which the gentleman offers his amendment.

Mr. ADAIR. If the gentleman will permit, where is it?

Mr. FOSTER. That is the statement in the report of the Secretary of the Treasury.

Mr. ADAIR. I did not so understand the gentleman from Florida.

Mr. MADDEN. The Government does build sidewalks around a building, but does not pave the streets.

Mr. ADAIR. I will say to the gentleman from Illinois that I did not understand the item of sidewalks was included in this estimate.

Mr. FOSTER. Yes.

Mr. ADAIR. Mr. Speaker, in view of the statement that has been made by my good friend from Illinois [Mr. FOSTER], in whom I have the greatest confidence, I withdraw my amendment.

The SPEAKER. The gentleman withdraws his amendment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WILSON of Florida, a motion to reconsider the vote by which the bill was passed was laid on the table.

TO VALIDATE CHAPTERS 52 AND 54 OF THE ACTS OF THE ALASKA LEGISLATURE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11740) to cure defects in and to validate chapters 52 and 54 of the acts of the Legislature of the Territory of Alaska, approved by the governor of the Territory of Alaska May 1, 1913, and for other purposes.

The Clerk read as follows:

*Be it enacted, etc.*, That those two acts of the Legislature of the Territory of Alaska entitled "Chapter 52 (H. B. No. 96), an act to establish a system of taxation, create revenue, and providing for the collection thereof for the Territory of Alaska, and for other purposes," approved by the governor of the Territory of Alaska May 1, 1913, and "Chapter No. 54 (H. B. No. 98), an act to impose a poll tax upon male persons in the Territory of Alaska and provide means for its collection," approved by the governor of Alaska May 1, 1913, be, and each is hereby, ratified and made valid from the date of its respective approval by the governor of the Territory of Alaska, and all their provisions shall be held to be in full force and effect from and after the date of the approval of this act by the President.

SEC. 2. That nothing in that act of Congress entitled "An act creating a legislative assembly in the Territory of Alaska and conferring legislative power thereon, and for other purposes," approved August 24, 1912, shall be so construed as to prevent the courts now existing or that may be hereafter created in said Territory from enforcing within their respective jurisdictions all laws passed by the legislature within the power conferred upon it the same as if such laws were passed by Congress, nor to prevent the legislature passing laws imposing additional duties, not inconsistent with the present duties of their respective offices, upon the governor, marshals, deputy marshals, clerks of the district courts, and United States commissioners acting as justices of the peace, judges of probate courts, recorders, and coroners, and providing the necessary expenses of performing such duties, and in the prosecuting of all crimes denounced by Territorial laws the costs shall be paid the same as is now or may hereafter be provided by act of Congress providing for the prosecution of criminal offenses in said Territory, except that in prosecutions growing out of any revenue law passed by the legislature the costs shall be paid as in civil actions and such prosecutions shall be in the name of the Territory.

The committee amendments were read, as follows:

Page 1, strike out, beginning with line 3, down to and including line 8, page 2.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I know the Delegate from Alaska would like to be heard on this very briefly.

Mr. WICKERSHAM. I refer the gentleman to the chairman of the committee.

Mr. HOUSTON. Mr. Speaker, the bill as before the House upon the report of the committee is embraced in section 2 of the bill, as the amendment proposes to strike out section 1 and substitute section 2 after the enacting clause, and the only thing to be considered is section No. 2, as the balance is to be stricken out if this amendment be agreed to. Now, the object of this section No. 2 is to provide that the Territorial Government of Alaska shall proceed with the collection of taxes of the Territory without any hindrance or delay. It so happens that the Territorial government of Alaska, in chapters 52 and 54 imposes certain duties upon the Federal officers, clerks, in the Federal court, and marshals in the Federal court in reference to the collection of the taxes of the Territory. Now, then, there is a provision in the organic law of Alaska which provides that:

No person holding a commission or appointment under the United States shall be a member of the legislature or shall hold any office under the government of said Territory.

Now, by virtue of that inhibition in the organic law it has been held by the Attorney General of the United States and by the governor of Alaska that it is unlawful for these Federal officers, clerks, and marshals to perform these functions. This merely proposes to cure that defect.

Mr. MANN. The gentleman says that the Territorial laws provide for the collection of taxes by the United States officials. What taxes are collected by the United States officials under the Territorial law?

Mr. WICKERSHAM. Will the gentleman allow me to answer that question—

Mr. HOUSTON. I yield to the Delegate to answer that question.

Mr. MANN. I can answer it myself. The gentleman said "taxes," and I wondered if the gentleman simply meant poll taxes. There is a difference between the collection of taxes and the collection of poll taxes.

Mr. HOUSTON. Well, poll taxes might be used in the plural, I think.

Mr. MANN. Certainly; but still you might be misled in this, unless the gentleman says it does not mean the collection of Territorial taxes, because it does not seem to be in the report. Ordinary taxes under this report are not collected by United States officials at all, but the report says that the commissioner of each precinct is made ex officio poll-tax collector. What do you mean by "each precinct"?

Mr. WICKERSHAM. There is in each precinct a commissioner appointed by the judge of the court who performs the duty of recorder and justice of the peace, probate judge, and coroner—a sort of Pooh-Bah, performing all these functions under the United States statutes.

Mr. MANN. What is a precinct?

Mr. WICKERSHAM. A precinct is a portion of the country bounded by such line as the judge of the court fixes, and in which he appoints one of these commissioners with the power of justice of the peace, recorder, probate judge, and coroner.

Mr. MANN. This has nothing to do with what we call a precinct here?

Mr. WICKERSHAM. No; not an election precinct; nothing at all of that sort.

Mr. MANN. He appoints a United States commissioner or a fish commissioner. Which is it?

Mr. WICKERSHAM. No; he is called a commissioner.

Mr. MANN. This report refers to him in one place as a commissioner and in the next place as a fish commissioner, and I wondered which he was.

Mr. WICKERSHAM. It refers in one place to a commissioner and in another place to a fish commissioner. The fish commissioner is the United States Fish Commissioner or one of his deputies. This is the situation with respect to the duties to be performed there: The Government of the United States now levies a license tax upon certain business in the Territory of Alaska, and it levies a license tax upon those engaged in fishing. A license tax is levied upon certain grades of salmon to be canned. Now, the Territory of Alaska has also passed a similar bill levying a license tax upon the canneries, and in drawing that bill the legislature left the duty of collecting the tax upon the collector of the court who collects the license taxes for the Government of the United States. It would not add a cent of expense. It is the same official, the same sort of a duty, and but one tax is to be collected by him of a specific amount, for the Government, and the other for the Territory.

Mr. MANN. I was under the impression that when we passed the Territorial act Congress reserved the control over the fishery business.

Mr. WICKERSHAM. That is correct.

Mr. MANN. Then how can the Legislature of Alaska pass a special tax against it?

Mr. WICKERSHAM. In the bill the gentleman from Illinois will see, if he will examine it, you gave the legislature specific authority to levy additional license taxes, and that is all. In the performance of that limited duty the intention of the legislature is to have the same official collect the taxes for the Territory and for the United States.

Mr. MADDEN. The license tax which the legislature levies is a tax upon the canneries and not on the fisheries?

Mr. WICKERSHAM. That is right.

Mr. WILLIS. I understand the purpose of this bill is to validate certain acts of the Territorial legislature which has undertaken to impose duties upon certain officials of the United States. Is that correct?

Mr. WICKERSHAM. Yes. That was the original purpose. But in the meantime it was thought this general clause would have that effect, and so the validating clause in the bill was stricken out by the committee.

Mr. WILLIS. Then I want to invite the attention of the gentleman to the language beginning on line 18 and following on page 2, and ask his opinion as to whether or not that would not be a pretty large extension of power. It says:

That nothing in this act of Congress shall be so construed as to prevent the legislature passing laws imposing additional duties not inconsistent with the present duties of their respective offices upon the governor, marshal, deputy marshals, clerks of the district courts, and United States commissioners acting as justices of the peace, judges of probate courts, recorders, and coroners—

And so on. Does not the gentleman think it rather dangerous legislation to give to the legislature of a Territory authority to prescribe without limit additional duties to be performed by Federal officials?

Mr. WICKERSHAM. Of course that could only be done within the limit of the power granted to them in the organic act. That act prescribes certain limitations beyond which they can not impose duties upon any official. The point of the situation is this: That we have a system of courts and officials now appointed in the Territory of Alaska by the Government for the performance of these particular duties. If this bill does not pass and the legislature does not have this power, then the legislature would be forced to pass additional laws creating a new system of courts and officials for the purpose of enforcing this and other laws.

Mr. WILLIS. What I am trying to get at, as the gentleman will see, is this proposition, that if you pass this bill, not simply validating acts already passed by the Territorial legislature, but looking to the future, is there not danger that you will clog the machinery of government by giving the legislature authority to place additional duties upon all the United States officers? I am perfectly agreed it is proper to validate the acts already passed, but when you take off the limitation as to the future, except, of course, the limitation in the organic act, it would seem to me somewhat questionable as to whether that is wise.

Mr. WICKERSHAM. I do not think so. I can not view it as the gentleman does. Here are present officials, and the courts are in existence, and such duties as would be imposed upon them by the legislature would be very limited, because the jurisdiction of the legislature is limited.

Mr. MANN. Will the gentleman yield? The gentleman will notice in the bill that these duties, according to the bill, must not be inconsistent with the present duties of these respective officials. And I take it if the legislature should pass a law which would be a burden upon these officials, so it would be inconsistent, they would have permission not to perform those duties.

Mr. WILLIS. We can conceive of a case where additional duties would be required that would be entirely consistent with the duties they are now performing, but which would nevertheless seriously interfere with the proper performance of the present duties of the office. It might be consistent with it, all right, and the same kind of duty, but it might be so great in extent that they could not perform it.

Mr. WICKERSHAM. I think it would be inconsistent with their present duties if they had so many others imposed that they could not perform them.

Mr. WILLIS. If the court would so interpret it, I would be perfectly satisfied.

Mr. MANN. The administrative officers would probably so interpret it, and Congress, possibly.

Mr. WICKERSHAM. I will say that this bill was prepared by the governor of Alaska very carefully, and I think it is all right.

Mr. HOUSTON. There is no better authority to determine what duties would be consistent than the Territorial legislature. They would be less likely to impose any hardships or burdens than any other authority. They are the proper ones to determine that question, it seems to me.

Mr. WILLIS. What suggestion has the gentleman to make in response to the question I propounded to the gentleman from Alaska [Mr. WICKERSHAM]? Here you have a Territorial legislature with authority to go ahead and prescribe duties for its own officers and officers of the United States and Federal courts. Does not the gentleman think it would be unwise and unusual to so legislate?

Mr. HOUSTON. I think it would be safe to leave it to the legislature of the Territory to fix those duties that are not inconsistent with the organic act or controlling them and governing them.

Mr. MANN. I take it none of us would agree to it unless we had the power to change it.

Mr. WILLIS. We have the power to change it, but will we change it? That is the question.

Mr. MANN. I would like to ask the gentleman whether this bill was ever submitted to the Secretary of the Interior or the Attorney General?

Mr. HOUSTON. We have the letter of the Attorney General written in regard to this bill, in which he gives his construction of these acts.

Mr. MANN. If the gentleman refers to the letter quoted in the report, it is a letter written not in regard to this bill at all, but a letter in regard to the Alaskan act, in which he held they were not valid.

Mr. HOUSTON. Well, it was a letter in regard to the very item involved in this section 2 here. That was the subject of that letter.

Mr. MANN. I understand; but the Attorney General has certain control of the Department of Justice officials in Alaska

who are affected by this legislation. The Secretary of the Interior also has certain control of officials. Are we not entitled to any knowledge that they have on this subject?

Mr. HOUSTON. Well, I will just say that this bill was not submitted to the Attorney General by me, but I had conferences with him in regard to the letter which he has written in regard to the subject matter of it, in which he concurred fully in the opinion that it was necessary to have the relief that is proposed to be provided here by this act.

Mr. MANN. The idea was that under the existing law the legislature did not have the authority to impose these duties upon the officials?

Mr. HOUSTON. Yes; and he thought they ought to have that authority.

Mr. MANN. There is nothing in this statement to that effect.

Mr. HOUSTON. We believe that the authority ought to be given.

Mr. MANN. I think it would be wiser for us to be protected by the written opinion of these officials.

Mr. HOUSTON. We felt that that covered the subject matter and it was not necessary to go further. Perhaps it is my fault that I did not get from him a written opinion.

Mr. MANN. How about the Secretary of the Interior?

Mr. WICKERSHAM. He has control of none of the officials mentioned in the bill.

Mr. MANN. None of the officials mentioned in the bill?

Mr. WICKERSHAM. The marshals, the deputy marshals, the clerks of the court, the recorders, and coroners, and everything except the governor are in the Department of Justice.

Mr. MANN. The coroner, and so forth—

Mr. WICKERSHAM. Those are in the Department of the Interior. The commissioners are all.

Mr. MANN. The governor himself is under the control of the Department of the Interior.

Mr. WICKERSHAM. I will say to the gentleman from Illinois that the governor prepared this bill and asked me to introduce it.

Mr. MANN. I understand it. The governor is one thing; the head of the office is another thing. Many an official down below has prepared a bill which has not been examined by his superior officer.

Mr. WICKERSHAM. This one is in the way stated by the gentleman from Tennessee [Mr. HOUSTON].

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the title will be amended to conform to the text.

There was no objection.

On motion of Mr. HOUSTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### CONSOLIDATION OF SUNDRY FUNDS FROM UNPAID INDIAN ANNUITIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10835) to authorize the Secretary of the Treasury to consolidate sundry funds from which unpaid Indian annuities or shares in the tribal trust funds are or may hereafter be due.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized and directed to transfer upon the books of the Treasury any unpaid and noninterest-bearing annuity or per capita share or shares of any Indian, whether derived from a gratuity appropriation or from the principal of or the interest on any tribal or trust fund of his tribe from the capitation or fund under which the share or annuity accrued and became due and unpaid at any time prior to the passage of this act, or which may hereafter accrue and become due and unpaid, to a common fund known as "Indian moneys, unpaid per capita shares, noninterest," to the credit of the individual Indian entitled thereto, and thereafter such annuity or share shall be paid direct from said common fund without further appropriation therefor by Congress, the amounts so transferred, whether previously covered into the surplus fund or not, being hereby permanently appropriated for that purpose: *Provided,* That no such transfer shall be made except upon the certificate of the Commissioner of Indian Affairs, showing the shares due and unpaid and the names of the Indians entitled thereto, and upon settlement of the account by the Auditor for the Interior Department.

Sec. 2. That the unpaid shares which bear the same rate of interest, payable at the same intervals, of all Indians in the funds above described, may in the same manner as hereinbefore provided be consolidated under such title as may be prescribed by the Secretary of the Treasury, and thereafter payments shall be made from the common funds so created without further appropriation by Congress therefor, the amounts so transferred and the interest thereon being hereby permanently appropriated for that purpose.

Sec. 3. That the consolidation and transfers herein provided for shall not be construed to repeal that part of section 1 of the act approved June 21, 1906 (34 Stat. L., p. 327), making provision for the payment of interest on minors' shares retained in the Treasury.

Sec. 4. That any and all annuities or shares transferred in accordance with the provisions of the foregoing sections, together with any interest which may accrue thereon, shall be paid to the party entitled thereto by settlement of an account and the issuance of a warrant in his favor according to the practice in other cases of authorized and liquidated claims against the United States: *Provided,* That the determination by the Secretary of the Interior of the heirs of any deceased Indian, to whose credit any annuities or shares may have been transferred in accordance with this act, shall be deemed final.

With a committee amendment, as follows:

Amend, page 3, line 15, after the word "final," by inserting the following: "except in cases where the estate of the deceased Indian is being legally probated, and the probate court having jurisdiction is determining, or has determined, the legal heirs of such deceased Indian: *Provided further,* That if any person whose share is transferred to the common fund as herein provided is found subsequently not entitled to the same, such share shall revert to the tribe and shall be transferred to the tribal funds upon the recommendation of the Commissioner of Indian Affairs and certification by the Auditor for the Interior Department."

The SPEAKER pro tempore (Mr. GOLDFOGLE). Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, may I ask the gentleman from Texas a question?

Mr. STEPHENS of Texas. Certainly.

Mr. MANN. In reference to these unpaid noninterest-bearing annuities or per capita shares, I wanted to ask how long unpaid are they, or how long may they be?

Mr. STEPHENS of Texas. It refers to the tribal funds in the Treasury, and subject to be paid out at the discretion and direction of the department at the present time. Now, as I understand it, these funds are in the Treasury to the credit of certain tribes or bands of Indians, and the reason for this legislation—

Mr. MANN. I do not see anything in this bill that refers to that.

Mr. STEPHENS of Texas. And the reason for this legislation, I will say, is stated in a letter from the First Assistant Secretary of the Interior:

In explanation of the necessity for the proposed legislation it may be said that for over 30 years past annuity payments and per capita distributions have been made to various Indian tribes from time to time from funds having more than 100 different titles, and that at each payment some shares are unpaid, owing to the inability of the disbursing officer to locate the Indians, to determine questions of heirship, or for other reasons.

And now it seems no appropriation could be made out of funds to the credit of these tribes for the reason that the department could not do it without some specific act of Congress.

Mr. MANN. Here is money in the Treasury, which the gentleman says belongs to a tribe of Indians, and it has been allotted to be paid to the different Indians, so much per capita. Now you want to transfer that money from one fund to another?

Mr. STEPHENS of Texas. No.

Mr. MANN. That is the purpose of it. That is what it means.

Mr. STEPHENS of Texas. I read further:

As the per capita share of an Indian in any payment may be, and frequently is, made up of two or more funds, some of which bear interest and others of which do not, and as the unpaid shares go back into the Treasury to the credit of the particular fund out of which they accrued, a very complicated system of bookkeeping has become necessary under the present laws in order to keep track of the funds, the amounts due to each Indian, and the reserve which must be kept on hand in the funds with which to meet these unpaid shares.

Mr. MANN. The gentleman is reading from the report. I have read that very carefully myself.

Mr. MADDEN. This bill provides that the money that is not paid to a man that can not be found is to be turned back to his credit on the books of the Treasury instead of into the general fund.

Mr. STEPHENS of Texas. For instance, there are 1,000 Indians, and 300 of them do not apply for annuities and payments. That is set aside for them in a specific fund, whereas the other 700 are paid without any legislation at all. The way it is now, the 300 would have to have their part of that fund thrown back into the general fund, because Congress requires all of these funds, if they are not paid at a certain time, to be put back into the general fund; and it creates confusion as to the keeping of accounts with the Indians. That is the very object of this legislation—to prevent the confusion of accounts.

Mr. MANN. Now, if there is a tribal fund, and it is ordered to be distributed, so much money, say, to each one of the Indians, and some of them do not apply, that money stands there, to be paid to those Indians when they do apply?

Mr. STEPHENS of Texas. That is correct.

Mr. MANN. If it is not paid within a certain time, it goes back into the tribal funds. Is that the gentleman's statement?

Mr. STEPHENS of Texas. It is.

Mr. MANN. Still, these specific Indians are entitled to the money if they show up?

Mr. STEPHENS of Texas. Yes; and if they do not, the money goes back into the general fund.

Mr. MANN. In what respect does that change that feature?

Mr. STEPHENS of Texas. In this: It goes back to the general fund at a certain time.

Mr. MANN. Under this bill it does not go back into this fund at any time. Instead of going back into the general fund and being subject to the call of the Indians, it goes into a lump-sum fund known as Indian moneys, unpaid per capita shares, noninterest.

Mr. STEPHENS of Texas. That is right.

Mr. MANN. To the credit of the particular Indian. That is the case, whichever fund it goes into.

Mr. STEPHENS of Texas. Without this bill it is to be refunded and put back into the general fund. Whenever the Indian fails to receive his amount it goes back into the general fund and has to be reapportioned again. This law would permit the Indians who do not apply to have a separate account—and there may be a hundred of them—and those accounts will be kept under one head.

Mr. MANN. Here is the situation: Here is a certain fund which is due to some Indians. It is apportioned among them, so much per capita.

Mr. STEPHENS of Texas. That is correct.

Mr. MANN. A few of the Indians do not apply. In the course of time the money is put back into the common fund, but still to the credit of these Indians when they do apply.

Mr. STEPHENS of Texas. Yes.

Mr. MANN. Now, the gentleman proposes, instead of putting it back into that fund, that it shall be put into another fund?

Mr. STEPHENS of Texas. No; it remains in the unappropriated fund.

Mr. MANN. Not at all. It is put into another fund, where all Indians of different tribes have their money, put under the head of Indian funds, unpaid per capita shares, noninterest; and when the Indians do apply, you have to look through the books and find where the Indians that apply have some money to their credit in that fund, which covers a great many more Indians than would be the case if you only had to look into the fund as to a particular tribe. What is the bookkeeping advantage of it? I take it that this is largely a matter of bookkeeping.

Mr. STEPHENS of Texas. That is correct; but does not the gentleman understand that they keep separate books for every separate tribe?

Mr. MANN. Yes; but I understand that by this bill, as to money which has been apportioned per capita, they will no longer keep separate books by different tribes.

Mr. STEPHENS of Texas. Yes. It will go back to the general fund.

Mr. MANN. Not at all. It is the purpose of the bill to prevent that.

Mr. STEPHENS of Texas. I beg to differ with the gentleman. It goes back to the specific fund of that tribe. That is the intention.

Mr. MANN. If we are so wide apart on the matter, I hope the gentleman will ask to put it over, so that we may each study the bill and see.

Mr. STEPHENS of Texas. Then I ask that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

#### CLAIMS ARISING FROM INDIAN DEPREDACTIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891.

Mr. STEPHENS of Texas. Mr. Speaker, without reading that bill, I ask unanimous consent that it be passed without prejudice.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that this bill be passed without prejudice. Is there objection?

There was no objection.

#### ALLOTMENT AND DISTRIBUTION OF INDIAN TRIBAL FUNDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10833) authorizing the Secretary of the Interior to lease for grazing, agricultural, and mining purposes unallotted lands within Indian reservations established by act of Congress or Executive order.

The bill was read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized to lease for grazing, agricultural, and mining purposes unallotted lands within Indian reservations established by act of Congress or Executive order in such quantities and upon such terms and conditions and under such regulations as he may prescribe: *Provided*, That no grazing or agricultural lease shall be for a period to exceed 5 years and no mining lease for a period to exceed 10 years.

With committee amendments.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I understand it is expected to adopt the committee amendments?

Mr. STEPHENS of Texas. Yes. The committee amendments ought to be adopted.

Mr. MANN. There might be some question as to just what is meant by "such Indian" in line 10, page 2. Does the gentleman have any objection to adding after the word "Indian" the words "as hereinbefore in this act described"?

Mr. STEPHENS of Texas. None whatever. I think it would improve the bill.

Mr. MANN. Then there would be no question about it. I do not object to the consideration of the bill.

Mr. STEPHENS of Texas. I will offer the amendment.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. STEPHENS of Texas. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. There are two committee amendments: First, to strike out the words "including the," in line 9, page 1, and to insert the words "who is," and in line 1, page 2, insert the words "needy and destitute."

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The Clerk read as follows:

Amend, page 1, line 9, by striking out the words "including the" and inserting the words "who is."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, page 2, line 1, after the word "aged," insert the words "needy and destitute."

The amendment was agreed to.

Mr. STEPHENS of Texas. The gentleman from Illinois has an amendment.

Mr. MANN. I move to amend by inserting, on page 2, line 10, after the word "Indian," the words "as hereinbefore in this act described."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 10, by inserting after the word "Indian" the words "as hereinbefore in this act described."

The amendment was agreed to.

Mr. FERRIS. Mr. Speaker, I want to ask the gentleman a question about page 2, line 1. I assume that the bill only intends to reach those who are needy, and so forth. I was wondering if the language of the bill did not bind it down so tight that some people who might need their pro rata share would be unable to get it. For instance, they must be blind, crippled, aged, needy, and destitute.

Mr. STEPHENS of Texas. I think the first part of that section will answer the gentleman's question in this, that it authorizes the Secretary of the Interior—

Under such rules, regulations, and conditions as he may prescribe, to pay any Indian who is blind, crippled, aged, needy, and destitute or helpless, his or her share or any portion thereof of the tribal or trust funds in the United States Treasury belonging to the tribe of which such Indian is a member.

Now, it is true that there are a great many Indian tribes that have quite a large amount of money, and there are blind, crippled, aged, needy, and destitute or helpless Indians, as described here, who ought to have the money and ought to have the use of it. This leaves it in the discretion of the Commissioner of Indian Affairs to pay out these funds to these blind, crippled, aged, needy, and destitute or helpless Indians.

Mr. FERRIS. Of course, a Secretary can work out rules and regulations to carry out the law, but he could not make rules and regulations to overthrow the law. My thought was that if you would change the word "and" to "or," page 2, line 1, he could make the rules and regulations in accordance with what is

intended. You could scarcely find an Indian who was blind, crippled, aged, needy, and helpless altogether.

Mr. STEPHENS of Texas. The regulations would not provide for that.

Mr. MANN. The gentleman from Oklahoma is wrong about his reading of the bill. It says "or helpless."

Mr. FERRIS. But it says "needy and destitute."

Mr. MANN. Here is the qualification: Blind, crippled, aged, needy and destitute, or helpless.

Mr. FERRIS. If the gentleman would take out the "and" and insert the word "or"—

Mr. MANN. You do not need to.

Mr. FERRIS. The word "and" being between "needy" and "destitute" couples up all the others.

Mr. MANN. Not at all; the commas are in there.

Mr. FERRIS. It is true that you have the word "or" in front of the word "helpless," but between "needy" and "destitute" the conjunction "and" is put in, and that couples up all the others.

Mr. MANN. Not at all. "Needy and destitute" is one clause, "aged" is another clause, "crippled" is another clause, "blind" is another clause, and "helpless" is another clause. It is perfect grammatical construction.

Mr. FERRIS. I suggest to the gentleman that on page 1 line 9, the word "either" ought to be put in after the word "is," so that it will read "to pay any Indian who is either blind, crippled, aged," and so forth. In that event there would be no question about it. But I think you will find that the Interior Department will construe this language the way I have stated, and it will be back here for us to amend it.

Mr. MANN. They can not construe it in that way.

Mr. FERRIS. I have seen greater miracles than that.

Mr. BURKE of South Dakota. Let me say to the gentleman that the existing law which this proposes to amend reads the same as this does, only that this bill includes "needy and destitute."

Mr. FERRIS. Do you get along all right with the law as it is now?

Mr. BURKE of South Dakota. Apparently, yes. My understanding is that what prompted the department to send in the bill was to make it general, so that they could pass to the credit of any Indian who was sick, helpless, or otherwise. It practically does what the law does now, only it enlarges a little bit the classes to which it may apply.

Mr. MANN. It inserts the words "needy and destitute."

Mr. BURKE of South Dakota. It does not make much of a change in the existing law.

Mr. FERRIS. I think that unless you put in the word "either" after the word "is," in line 9, page 1, the officer who construes the law will hold that it means "Indian who is blind, crippled, aged, needy, and destitute."

Mr. BURKE of South Dakota. Let me call the gentleman's attention to the law.

Mr. MANN. We schoolmasters do not agree with the gentleman from Oklahoma.

Mr. BURKE of South Dakota. The existing law reads:

The Secretary of the Interior is hereby authorized to pay to any Indian who is blind, crippled, or helpless from old age, disease, or accident.

That is the existing law.

Mr. MANN. And this bill proposes to insert the words "needy and destitute."

Mr. FERRIS. They have stricken out the word "including."

Mr. MANN. That is not in the existing law.

Mr. FERRIS. But it is in the bill. I do not care anything about it, Mr. Speaker; I am in favor of the bill, but I think it ought to be made clear.

Mr. MANN. It is clear, and the gentleman would cloud it.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MONDELL. Reserving the right to object—

Mr. MANN. It is too late to object; we have already adopted two amendments.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. STEPHENS of Texas. Certainly.

Mr. MONDELL. I desire to ask the gentleman if it was the thought of the committee in reporting this bill that there would result from it a general distribution of tribal funds?

Mr. STEPHENS of Texas. I think not.

Mr. MONDELL. There are many tribal funds in regard to which there has been no attempt to distribute or allot them individually. The conditions in many cases are such that no such attempt should be made at this time.

Mr. STEPHENS of Texas. This only applies to the classes mentioned here, and they must come in under that class.

Mr. MONDELL. Do I understand that this so enlarges the law that if an Indian of a tribe having a very considerable amount of tribal funds which have not been allotted should be found to come within one of these classes that it becomes the duty of the Secretary of the Interior to attempt to arrive at a decision relative to the amount of such funds due each Indian?

Mr. STEPHENS of Texas. No; I think not. It applies to funds in the Treasury subject to be paid out for the benefit of the Indians.

Mr. MONDELL. Not for the benefit of individual Indians, but for the tribe.

Mr. STEPHENS of Texas. That is correct.

Mr. MONDELL. Many of these funds can only be paid out, unless this changes the law, in accordance with the provision of the treaty for certain specific purposes. Is it the thought of the committee that this legislation will broaden the law so as to affect treaty stipulations?

Mr. STEPHENS of Texas. It does not. It was not the intention to do so, and I do not think it has that effect.

Mr. MONDELL. It only affects trust funds that are now practically apportioned individually.

Mr. STEPHENS of Texas. That is correct. It is to broaden the number of Indians to whom payments can be made.

Mr. MONDELL. Gentlemen on this side suggest that it does not affect anything.

Mr. STEPHENS of Texas. Then there can be no harm in it; but in that case I do not see why the department wants it.

Mr. MONDELL. I should be inclined to object to it if I thought it did not accomplish something.

Mr. STEPHENS of Texas. The gentleman is too late to do that.

Mr. MONDELL. I realize that. I did not use the term in the restricted sense, but I meant that I should not be inclined to favor it. If it is intended by this legislation to authorize and direct or give the Secretary authority to generally segregate funds which are accumulating and which under the treaties can only be used for certain specific purposes—

Mr. STEPHENS of Texas. This is what the department says, and it will answer the gentleman's question.

Mr. MONDELL. I do not think what the department says there will answer the inquiry I have propounded.

Mr. STEPHENS of Texas. It says:

Upon the satisfactory showing of the need of any Indian to withdraw his individual share of the tribal funds of the Treasury and place it in the bank to his credit under the supervision of the superintendent, to be paid to him in such sums as the circumstances may from time to time justify, or the whole or any part thereof may be expended under the superintendent's direction for his benefit.

Mr. MONDELL. That does not answer the point I have in mind at all.

Mr. STEPHENS of Texas. I will further state to the gentleman from Wyoming that I find this:

There is a large proportion of the membership of most of the tribes having trust funds in the Treasury which is neither competent nor disabled by reason of disease or old age, as required in the application of the provisions of the act of March 2, 1907, and the department is therefore without authority under existing law to pay such members their pro rata share of the tribal funds or to expend for their benefit any portion of such funds.

Now, that seems to be a provision of the act of March 2, 1907, that would prevent them from giving the relief that this bill gives to these distressed Indians.

Mr. MONDELL. Now, the gentleman is aware there are numerous tribal funds, and I have in mind now tribal funds that are being increased constantly by the sale of lands with regard to which there are treaty provisions that the funds shall be used only for certain specific purposes. This bill does not, I understand the gentleman from Texas to say, and was not intended to give to the Secretary of the Interior authority to segregate such funds as I have referred to and pay out the proportionate share of such funds to any Indians coming within this classification.

Mr. STEPHENS of Texas. The gentleman is correct about that. That is the reason given here. They say:

The object of the proposed amendment is to extend the scope of the act of March 2, 1907, which experience has shown to be advisable and necessary in order to cover classes and circumstances not now provided in existing law.

Mr. MONDELL. If they intend to extend it to cover classes and circumstances, it is all right, but if it is intended to extend the law so as to lead to a general distribution of the tribal funds which have accrued or are accruing under treaty obligations, under which they can be applied, or which are to be applied for certain specific purposes, then the legislation would be unwise. There are funds accumulating for the purpose of paying the obligations of the Indians for appropriations which have been made for the benefit of the tribe and made reimbursable.

Many of these funds are accumulating for the purpose of improving the lands of the Indians, those funds ought not to be dissipated by dividing the fund so as to find out how much each Indian is entitled to and then paying it over to him if he is an Indian of this class—

Mr. STEPHENS of Texas. Let me ask the gentleman this question—

Mr. MONDELL (continuing). But the gentleman does not propose to do that, I assume, and I do not understand this legislation is giving authority to do that.

Mr. STEPHENS of Texas. It does not. I will state to the gentleman that he was correct in that the tribal fund should be used to first take care of the aged and destitute and those who are in needy circumstances before it should be distributed to those who are able to take care of themselves.

Mr. MONDELL. Another thing. In most every case under these treaties, or in many cases under these treaties, tribal funds may be used to take care of the aged and destitute, to take care of such cases as arise.

Mr. STEPHENS of Texas. The gentleman is correct.

Mr. MONDELL. And they use the tribal funds for that purpose. They do not take the amount which each Indian is entitled to and then pay him the amount he is entitled to or a portion of it, but they pay out of the tribal fund enough to subsist and take care of those aged and infirm Indians. Is it not intended in such cases to change the method so that in the future the assistance is to be given by dividing or attempting to divide the fund?

Mr. STEPHENS of Texas. It does not extend to that at all.

Mr. MONDELL. Then, what does it do?

Mr. STEPHENS of Texas. It just simply adds two classes here—aged and destitute. In this statement I have just read to the gentleman it is stated that this is the whole purpose of the law, and they state the law is not broad enough now to include those classes.

Mr. MONDELL. To use a concrete illustration: The Shoshones and Arapahoes in my State have a fund which is constantly increasing from the sale of public lands. The Government has a claim against that fund by reason of expenditures which it has made under appropriations for the construction of irrigation projects, and so forth; the fund will ultimately, it is hoped, be much in excess of the amount required to meet the Government's obligations. It would be utterly impossible to determine, except for the moment when the distribution was made, how much each individual's share in that fund was, because the fund is constantly varying, growing larger as lands are sold. Now, the treaty under which that fund is being built up provides that a certain amount of it may be used for the care of the aged and infirm, and it is being so used, but it is used as a tribal fund, and under any plan of division—

Mr. STEPHENS of Texas. This does not change that law; they still use the tribal funds.

Mr. MONDELL. But here is a plan of dividing that fund or attempting to divide it and giving infirm and aged and crippled Indians their share. It does not, of course, apply to the case I have cited.

Mr. STEPHENS of Texas. If the law was not broad enough at first, why not broaden it?

Mr. MONDELL. The effect of that would ultimately be that these very Indians who will most need a share in the tribal funds will have used up their part of the funds without leaving any further claim on the tribal funds at all.

Mr. STEPHENS of Texas. Now, this does not take care of that matter in any way. It simply amends the act permitting and authorizing these funds to be used for these Indians, destitute, aged, and crippled.

Mr. MONDELL. These funds to which I have referred, the Arapaho and Shoshone funds in my State, were not affected by this legislation at all, as I understand it.

Mr. STEPHENS of Texas. Not at all in any way. This simply just broadens the law.

Mr. MONDELL. At present payments may be made out of their funds for the infirm, the aged, and the crippled, whereas if we attempted to find out how much each Indian's share in that fund was, and then giving it to him, we would very soon arrive at the condition under which the very Indian that in the future will need the most aid will be unable to secure any, because his proportion of the total fund has been used up.

Mr. NORTON. Mr. Speaker, I move to strike out the last word. As I understand it, this bill simply makes larger the authority of the Secretary of the Interior under the act of March 2, 1907. Under the terms of this bill not only those who are not capable of providing for themselves on account of disease and on account of old age, but the blind, the crippled, and the "needy and destitute" may be cared for?

Mr. STEPHENS of Texas. That is correct. The "needy and destitute" are the classes added to the bill.

Mr. NORTON. Replying to the suggestion made by the gentleman from Wyoming [Mr. MONDELL], it occurs to me—and I want to know whether I am correct or not in this—that under the provision of this bill no money can be paid out of any tribal fund unless, in the judgment or decision of the Secretary of the Interior, there is a certain definite amount of money due the individual Indian from the tribal fund over and above any charges against that fund.

Mr. STEPHENS of Texas. Unless there are tribal funds, of course, there can be no money paid out of such tribal fund to any Indian of any kind or character, needy or destitute or what not. This applies to the funds now in the hands of the United States Government coming to that tribe, and they have the right to segregate that money and pay it out to the Indians who are not able to take care of themselves; and we have added the words "needy and destitute."

Mr. NORTON. Beginning on page 1, line 7, the provision of the bill is:

The Secretary of the Interior is hereby authorized, under such rules, regulations, and conditions as he may prescribe, to pay any Indian who is blind, crippled, aged, needy and destitute, or helpless his or her share, or any portion thereof, of the tribal or trust funds in the United States Treasury belonging to the tribe of which such Indian is a member.

I will say to the gentleman from Wyoming [Mr. MONDELL] that there certainly must be some definite determination of the amount due any Indian coming under the provisions of this act before any sum whatever can be paid out of the fund.

Mr. STEPHENS of Texas. If there is a gross amount coming to the tribe in the closing of these Indian matters, the excess money is granted to the individual members of the tribe.

Mr. NORTON. A certain amount due each member?

Mr. STEPHENS of Texas. Yes; the crippled people in the tribe. They take the funds of the tribe and pay them to those people.

Mr. NORTON. I am very much in favor of this bill—

Mr. BURKE of South Dakota. Let me say to the gentleman from North Dakota [Mr. NORTON] that this bill is reenacting the existing law exactly as the law reads, with the exception in line 1 it adds two additional words, namely, "needy" and "destitute"; and it does not change the law in any other respect.

Mr. NORTON. I have read the wording of the existing law.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### SEED, LIVE STOCK, ETC., FOR INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10846) to authorize the Secretary of the Interior to use in the purchase of live stock, seeds, and agricultural equipment moneys appropriated to fulfill treaty obligations.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior may, in his discretion, with the consent of the Indians, use any moneys appropriated for the purchase of subsistence or other supplies for the various Indian tribes, in fulfillment of treaty obligations, which may not be needed for that purpose, in the purchase of live stock, seeds, and agricultural equipment for the benefit of the tribe for which such appropriation is made.

SEC. 2. That all acts or parts of acts in conflict herewith are hereby repealed.

Also the following committee amendment was read:

Insert after the word "Indians," in line 4 of the bill, the following: "Obtained in a suitable manner and with like effect as that which ratified the original treaty on their part."

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The question is on the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out the last word. It seems to me that this bill, if enacted into law, may be of considerable value, but how will they do about providing live stock, seeds, and agricultural equipment for the benefit of the tribe for which such appropriation is made? In most of these

cases will the tribe as a tribe be in a position to handle the live stock and seeds and equipment and keep it in a common fund?

Mr. STEPHENS of Texas. They are doing it to some extent through the present Indian agents and the department and bureau.

Mr. MANN. Well, they may be doing it to some extent; but what I was getting at was this: Here we make an appropriation, it is true, for the maintenance and support of Indians under some treaty stipulations, but I take it that in the distribution of subsistence or other supplies it is in part, at least, distributed to the Indians individually.

Mr. STEPHENS of Texas. According to their needs.

Mr. MANN. According to their needs. Is it not desirable, if you want to get anybody interested in something, that they own it themselves individually?

Mr. STEPHENS of Texas. We have thought so, and that is the reason for this amendment.

Mr. MANN. But that is what the bill does. That is what I am talking about. You appropriate to give seeds not to individual Indians but to the tribe. You propose to buy live stock, not for any Indian who can own it, but the tribe owns it. You propose to buy plows so that the tribe will own them. Now, is there any way by which that can be arranged so that an individual Indian is induced to take an interest in something because he owns it?

Mr. BURKE of South Dakota. Not out of tribal funds, Mr. Speaker, if the gentleman will permit.

Mr. STEPHENS of Texas. I yield to the gentleman from South Dakota.

Mr. BURKE of South Dakota. My understanding of this bill is that it allows the Secretary of the Interior to expend moneys that, under treaty obligations, we annually appropriate, and that is used for rations and given to the Indians for the purchase of live stock, and it is the intention, as I understand it, of the department to purchase these cattle in common for the tribe as a whole. And I would like to ask the gentleman in charge of the bill, as to the second section, as to whether or not it is necessary or it ought to be stricken out?

Mr. STEPHENS of Texas. I think it ought to be stricken out, and I move to strike out the last section.

The SPEAKER. The gentleman will state the amendment.

Mr. STEPHENS of Texas. On page 2, strike out lines 3 and 4.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, strike out section 2.

The SPEAKER. The gentleman from Illinois [Mr. MANN] withdraws his pro forma amendment, and the question is on the amendment of the gentleman from Texas [Mr. STEPHENS].

The question was taken, and the amendment was agreed to.

Mr. FERRIS. Mr. Speaker, I move to strike out the last word for the purpose of asking the gentleman from Texas [Mr. STEPHENS] a question. I want to ask the chairman of the committee one or two questions as to the way this will work out. Now, it only applies to money that is appropriated; does it not?

Mr. STEPHENS of Texas. That is right.

Mr. FERRIS. And it only applies to money for the fulfillment of treaty obligations?

Mr. STEPHENS of Texas. Yes.

Mr. FERRIS. Does it apply to their trust moneys at all?

Mr. STEPHENS of Texas. I think not. You will remember, many years ago—maybe 40 or 50 years ago—treaty obligations were entered into between various tribes and the United States by which the United States promised to give them, in some instances, so many shoes for a blacksmith and so many horses, and things that are not now needed. It is impossible now to comply with those provisions, and the Indians do not want it.

Mr. BURKE of South Dakota. And pay for a miller somewhere or a blacksmith in the city of Chicago, for example?

Mr. FERRIS. Yes. I have those things in mind. But I also had in mind the idea that we ought not to cut the Department of the Interior loose on the trust funds. Otherwise, you would have war with the Indians on your hands.

Mr. STEPHENS of Texas. The gentleman is right about that. It does not do it.

Mr. FERRIS. Mr. Speaker, I will withdraw my pro forma amendment.

The SPEAKER. The pro forma amendment is withdrawn. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### LEASING UNALLOTTED LANDS IN INDIAN RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10833) authorizing the Secretary of the Interior to lease for grazing, agricultural, and mining purposes unallotted lands within Indian reservations established by act of Congress or Executive order.

The Clerk read as follows:

*Be it enacted etc.,* That the Secretary of the Interior be, and he is hereby, authorized to lease for grazing, agricultural, and mining purposes unallotted lands within Indian reservations established by act of Congress or Executive order in such quantities and upon such terms and conditions and under such regulations as he may prescribe: *Provided,* That no grazing or agricultural lease shall be for a period to exceed 5 years and no mining lease for a period to exceed 10 years.

With committee amendments, as follows:

Line 4, after the word "grazing," strike out the comma and insert the word "and."

Line 4, after the word "agricultural," strike out the comma and insert the words "and mining."

Line 9, strike out the words "or agricultural."

Page 2, line 1, after the word "no," strike out the word "mining," and insert in lieu thereof the word "agricultural."

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas [Mr. STEPHENS] if this bill affects so-called treaty reservations in any way?

Mr. STEPHENS of Texas. If there are treaty obligations already entered into that would prevent this character of Executive order reservations—

Mr. MONDELL. Does it affect so-called treaty reservations?

Mr. STEPHENS of Texas. No; I think not.

Mr. MONDELL. It only affects reservations created by act of Congress or Executive order?

Mr. STEPHENS of Texas. Yes; only reservations created by act of Congress or Executive orders, and it so specifies. That is the plain reading of it. The bill says:

That the Secretary of the Interior be, and he is hereby, authorized to lease for grazing, agricultural, and mining purposes unallotted lands within Indian reservations established by act of Congress or Executive order in such quantities—

And so forth.

Mr. MONDELL. What do you mean, or what did the committee have in mind, by the words "reservations established by act of Congress"?

Mr. STEPHENS of Texas. Well, I presume—

Mr. MONDELL. Well, if Congress ratified a treaty under which a reservation was established, would that make such a reservation "a reservation established by act of Congress"?

Mr. STEPHENS of Texas. As I understand it, there are two ways of making reservations. One is by Executive order, which sets apart a certain amount of land for such tribe of Indians, and the other is when it is established by act of Congress, which defines the boundaries of a certain tract of land which is given up to the use and benefit of the Indians.

Mr. MONDELL. Reservations are or were established by treaty and by Executive order.

Mr. STEPHENS of Texas. This does not apply to a treaty reservation.

Mr. MONDELL. By Executive order and by act of Congress. Are these three separate and distinct, or does the fact that Congress may ratify a treaty made with the Indians, establishing a reservation, make such reservation a treaty reservation?

For instance, take the reservation in my State. Of course my first interest in regard to all this legislation is as to its effect upon that reservation. We have what I understand to be a treaty reservation. I understand it to be a reservation that would not be affected by this legislation. I would not want this legislation to affect that reservation for this reason, that at the present time the department holds it has authority to make mineral leases on that reservation. If this bill passes there will be no authority to make mineral leases on the reservations described in it.

Mr. STEPHENS of Texas. I think not. I do not think it will have that effect, for the reason that we have stricken out the word "mining" here.

Mr. MONDELL. The very fact that you have stricken out the word "mining" and have provided for other classes of leases precludes the making of mining leases on the classes of reservations to which you refer. You eliminate mining leases by describing agricultural and grazing leases. If Congress provides that a certain kind of lease shall be made, that action precludes the making of any other kind of lease.

Mr. STEPHENS of Texas. I think not. I think it leaves the original law in existence just as it is now.

Mr. MONDELL. Unquestionably; there can not be any doubt about that. There is now no law allowing leave for mining on unallotted lands on reservations of the classes described.

Mr. STEPHENS of Texas. There is no repealing clause to this act.

Mr. MONDELL. The department informed the committee, and the committee acted in this matter on the suggestion of the department, to the effect that in regard to the treaty reservations it had a right to make certain leases. I will read:

There is authority of law, found in section 3 of the act of February 28, 1891 (26 Stat. L., 795), for leasing lands within treaty reservations.

That is so broad that various kinds of leases are made. Now, that is the condition under which we are operating on the Shoshone Reservation in Wyoming, and it is a very satisfactory one. Reading further, however, from that same report of Assistant Secretary Jones, we find here:

It is the opinion of this department that there is great public need for authority of law for the leasing of lands within Indian reservations that have been established by act of Congress or Executive order.

There, apparently, the department draws a clear distinction between treaty reservations and a reservation created by act of Congress.

Mr. STEPHENS of Texas. Will not the gentleman admit that if you specify, too, the Executive orders and the act of Congress, that will not interfere in any manner whatever with the treaty reservations?

Mr. MONDELL. I was trying to get the gentleman's opinion with regard to that.

Mr. STEPHENS of Texas. I say it does not.

Mr. MONDELL. I think it is very important that it should be made clear that a reservation created by act of Congress shall not include a reservation established by treaty.

Mr. STEPHENS of Texas. I am perfectly willing to add an amendment providing that nothing in this act contained shall refer to treaty regulations, but it would not do it anyway.

Mr. MONDELL. I do not know that it is necessary—

Mr. MANN. We do not have any more treaties with Indians except by act of Congress, do we?

Mr. STEPHENS of Texas. We can not have now, but there are reservations known as treaty reservations.

Mr. MANN. I understand; but what is the distinction in practice between a treaty entered into with Indians when the treaty-making power of the Government was exercised and a treaty entered into now, which is confirmed by an act of Congress? What is the distinction in practice as to the treatment of the lands?

Mr. STEPHENS of Texas. We would have to look to the department for those distinctions. The department have drafted this bill, and they say it shall only apply to those provided by act of Congress and by Executive order.

Mr. MONDELL. The department have drafted the bill, but we want to know exactly what the bill means.

Mr. STEPHENS of Texas. These words have well-known meanings in the department, because these questions have been passed upon frequently.

Mr. MONDELL. Does the gentleman understand what that meaning is?

Mr. STEPHENS of Texas. It is very plain, as I understand it. They know what the regulations are, what the treaty reservations are.

Mr. MONDELL. What is a reservation created by act of Congress?

Mr. STEPHENS of Texas. It is a specific portion of country set apart by treaty for the benefit of certain Indians.

Mr. MANN. Supposing the Government of the United States, through the Indian Office, has made a treaty with the Indians.

Mr. STEPHENS of Texas. That is a treaty reservation, then.

Mr. MANN. Will the gentleman wait until I finish my question? Supposing the Government of the United States, through the Indian Office, has made a treaty with the Indians, and that is presented to Congress and then confirmed by an act of Congress. Is that a treaty reservation or an act of Congress reservation?

Mr. STEPHENS of Texas. I should say that it was a treaty reservation.

Mr. MANN. I should say it required an act of Congress. Who will determine which it is?

Mr. STEPHENS of Texas. The rules and regulations of the department control that matter explicitly. The department drafted this bill, and they certainly knew what they wanted, and there was no objection to the bill.

Mr. MANN. I know; but the department knows or thinks it knows what it wants, but it is our duty to know what the department wants before we enact legislation.

Mr. MONDELL. And it is our duty also to know what Congress wants, Congress being still a coordinate branch of the Government, to a certain extent.

Mr. MANN. This side of the House is a coordinate branch of the Government, but that side is not.

Mr. STEPHENS of Texas. The gentleman is getting into politics now. I want to get back to the Indians.

Mr. MONDELL. No; we are treating of facts.

Mr. STEPHENS of Texas. This bill is not according to the wishes that I had in the matter in this, that I think it should have applied to mining. A bill has passed through the House twice and gone to the Senate and been defeated there, a bill providing for agricultural, grazing, and mining leases on these reservations, and the bill as originally drafted was that way.

Mr. MONDELL. What objection is there to having mining leases on the reservations?

Mr. STEPHENS of Texas. It was objected to, I think, by the Committee on the Public Lands, because they are considering bills of this character.

Mr. MONDELL. Do I understand that the Committee on the Public Lands—

Mr. STEPHENS of Texas. There are certain members of that committee who are on our committee, and they said the Committee on the Public Lands had the whole matter in hand.

Mr. MONDELL. Do I understand the Committee on the Public Lands have agreed to mining leases on Indian reservations?

Mr. STEPHENS of Texas. They have not. I wanted the Indians' reservations and the public lands to have the same provisions relative to the mining leases, so that we could have a uniform mining law, to apply on Indian reservations as well as on public lands, but the committee simply outvoted me on that proposition.

Mr. TAYLOR of Colorado. The Public Lands Committee are considering a bill for the leasing of coal, oil, and other substances, but that bill does not apply to reservations.

Mr. STEPHENS of Texas. But we wanted it to apply.

Mr. MANN. Are the Public Lands Committee also considering the subject of grazing leases on public lands?

Mr. STEPHENS of Texas. I think not.

Mr. MANN. Then the gentleman has another think coming, because they have been fighting over it for a long time. Now, I should like to know—

Mr. STEPHENS of Texas. The gentleman will admit that that is not nearly so important as the mining leases.

Mr. MANN. I am not saying anything about that. The question of grazing leases is, I think, very important. The Public Lands Committee have been working on that subject for some time as to public lands, and as they know a great deal more about it than I do—I trust they do; if they do not, they do not know enough to pass the legislation—I should like to hear from some gentleman on the Public Lands Committee. I see the gentleman from California [Mr. KENT], who has a bill pending, and the chairman of the Committee [Mr. FERRIS], who, I think, has a bill pending. I should like to know from them as to how this bill works in with the ideas of the Public Lands Committee as to grazing leases. We do not want competition between the Indians' reservations and the public lands if we are going to pass legislation on this subject.

Mr. STEPHENS of Texas. Does not the gentleman think it would be bad legislation to have the miners competing—

Mr. MANN. I am not talking about miners. The gentleman from Wyoming can talk about that. I am trying to find out about the grazing business. That is in the bill.

Mr. KENT. In reply to the gentleman's question, I will say that we did have under consideration a grazing bill. We found that there seemed to be but little knowledge in the Department of the Interior as to the arid lands and how they should best be handled, and therefore the grazing bill has been temporarily put in abeyance. A joint resolution is before the House and before the Senate calling for an examination of that portion of the public domain in which 640 acres is not sufficient to support a family on a grazing basis, and the request is made in this joint resolution that a report be made to Congress early in December. We want to get the views of the Interior Department as to how that problem should be handled.

Mr. MANN. What I really wanted to get at was the judgment of the gentlemen on the Public Lands Committee as to whether it would be advisable or not to follow the old method of trying it on the dog first. In other words, in order to figure out what we should do on the public lands we would experiment on the Indian lands to see whether the department could work out something that they wanted to adopt as to our own public lands.

Mr. KENT. In reply to the gentleman I will state that the question of grazing for a temporary period of years has been tried out in many places with eminent success. Texas and a number of States have tried it out. The forest reserves have been, on the various reservations, handled under a licensed per capita for stock pastured with eminent success. It is not experimental, and it is along the lines of reasonable conservation. Under such plan there are definite rights, and the situation is relieved from squabbles and warfare. People can produce live stock in a self-respecting way, knowing what their rights are.

Mr. MANN. I understood the gentleman from California to say that the Interior Department did not have sufficient information on this subject. Is that merely as to the character of the lands?

Mr. KENT. As I understand, the character of the lands and the method of utilizing them.

Mr. MANN. Is it the gentleman's idea that 5 years is a proper limit for a grazing lease?

Mr. KENT. The bill proposes to make an outside limit of 10 years.

Mr. MANN. This makes an outside limit of 5 years.

Mr. HAYDEN. The bill as amended makes it 10 years.

Mr. MANN. The gentleman is mistaken. It is 10 years for an agricultural lease and 5 for a grazing lease.

Mr. KENT. In some localities and some classes of land 5 years is a sufficient length of time, and others, where there is a large expense for developing water and no possibility for the land being used for higher purposes, probably 10 years would yield better results than 5.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to ask the gentleman from Texas a few questions with reference to this bill. The last bill passed authorized the Secretary of the Interior to use certain moneys in purchase of live stock for the benefit of the Indians. I would like to ask the gentleman if it would not be advisable to provide in this bill, if we are to lease reservations, that the proceeds received from such leases might be used in the purchase of live stock, the same as provided in the bill passed a few minutes ago, H. R. 10846?

In my State the Indian reservations have been leased for some years—and they were not treaty reservations, either—and the money has been paid out in annuities to the Indians in amounts of about \$3 per capita, and it is absolutely throwing the money away. It is expended for popcorn and pop and other things that do the Indians absolutely no good whatever.

I want to suggest that, if this bill is going to be passed, after the word "prescribe" insert "and may expend the proceeds received in the purchase of live stock for the tribe occupying the reservation leased."

Mr. STEPHENS of Texas. I have no objection to that.

Mr. BURKE of South Dakota. I have not used the word "owned," because on some reservations the Indians do not own the land in any sense. If the gentleman from Texas has no objection to that amendment, after consideration is given, I would like to offer it.

Mr. STEPHENS of Texas. I have no objection.

Mr. STAFFORD. Mr. Speaker, before consent is given, I would like to inquire why the committee changed the recommendation of the department in extending the period of the lease so far as agricultural land is concerned from 5 to 10 years. As the bill was drafted it limited the tenure of grazing and agricultural lands to five years.

Mr. STEPHENS of Texas. As to agricultural lands, we thought they could not be successful; that they could not raise successful crops unless by irrigation, and it would not be possible to do anything under five years' lease if they had to irrigate the land.

Mr. STAFFORD. The bill is not limited to irrigated lands.

Mr. BURKE of South Dakota. I will say to the gentleman that where land is in its virgin state and broken up it is very difficult to lease the land and to get anything out of it unless you can make a lease for a period of not less than five years.

Mr. STAFFORD. My experience has been, when I have leased lands in the West—in the Dakotas—for clients in my State, that you did not get any return at all. The settler out there appropriated everything except the small amount necessary for taxes. If I thought that the Indians would get no more than what nonresidents of Dakota lands received from these lands under lease, I would object to the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I would like to obtain some information as to the reason why they went beyond what was recommended by the department.

Mr. STEPHENS of Texas. Because men who live in the West stated that it was impossible to get a man to go on a tract of land and prepare the land to be irrigated on a five-year

lease. They want the right to lease longer; and, then, this language does not make it obligatory on the department to give a 10-year lease, but for a period not to exceed 10 years.

Mr. STAFFORD. Does the gentleman have any hope that with a lease, even of 10 years, the settler would erect any kind of a home?

Mr. STEPHENS of Texas. Yes; it is under the discretion of the Secretary of the Interior.

Mr. STAFFORD. Does the gentleman think it would be any inducement to erect any kind of a home on property that the lessor only had a tenure on for 10 years?

Mr. HAYDEN. I know of a reservation in Arizona where they are erecting homes, leveling the ground, and fencing the property; and these improvements are made under the terms of the lease for the benefit of the Indians. The plan is that after the lease has expired the place will be in such shape that the Indian can step in and have a home and make a living from that time on. I think a 10-year limit is proper.

Mr. STAFFORD. Of course under such a lease the settler would have to be compensated in the rental to make up for the improvements that he would be obligated to perform under the terms of the lease.

Mr. HAYDEN. Yes.

Mr. RAKER. Mr. Speaker, reserving the right to object, will the gentleman advise me how many acres of this land is subject to these leases?

Mr. HAYDEN. I could not tell the gentleman how many acres are to be leased in the reservations all over the United States.

Mr. RAKER. Approximately how many acres?

Mr. HAYDEN. I have no idea.

Mr. RAKER. Is there any method by which these lands can be disposed of?

Mr. HAYDEN. No; we can not sell them, because they are Indian reservations. The advantage of this system is that when the Indian comes to occupy his allotment he can make a better living from the very beginning.

Mr. RAKER. Well, I know; but the improvements that the lessee puts upon the land—will he get compensation for his fences, buildings, houses, barns, and wells?

Mr. HAYDEN. That is the theory on which these leases are made. In the particular instance which I mention no rent is paid for the first few years on the condition that certain improvements shall be made. During the latter part of the lease some cash rent must be paid. What the department wants to secure are houses, corrals, and fences which the Indian can use when he goes on his allotment.

Mr. RAKER. Is it the gentleman's theory that by this leasing of land that the man who gets that place will improve it in such shape, put it in such a high state of cultivation and improvement, that he will turn it right over an improved farm?

Mr. HAYDEN. Yes; that is the theory of it, exactly. That is the way they are doing on the Colorado River Reservation.

The SPEAKER. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object, I would like to have some information as to the quantity of the land covered by this bill. Possibly the chairman has some idea.

Mr. STEPHENS of Texas. Under such rules and regulations as the department may prescribe. It does not say 100 acres, 500 acres, or any other amount.

Mr. RAKER. Does the gentleman know the sum total of the number of acres of land that will be subject to the provisions of this bill?

Mr. STEPHENS of Texas. It is impossible to state, because some of the reservations are allotted and some of them are not allotted. I have never seen any specific amount stated.

Mr. RAKER. This would not cover the allotted lands at all, would it?

Mr. STEPHENS of Texas. No; it would be the common lands belonging to the Indians, belonging to the tribe in common.

Mr. RAKER. Does the gentleman think it would bring a fund to the Indians for the use of the land?

Mr. STEPHENS of Texas. Yes; because it is not used at all now. Some of it has valuable grass. Take the Arizona land, and there is a great scope of country there, some whole counties taken up by the Indian reservations, and a great deal of it is very fine grass, the value of which would be lost to the Indians, because on the reservations they have no stock. The white people want to graze there, and there is a great deal of demand for the beef and mutton which can be raised there, and I think it is very bad policy not to permit it to be so used.

Mr. RAKER. Is any use made of this land at the present time at all?

Mr. STEPHENS of Texas. It is not because the Indians can not use it. They have no stock to put upon the land, and unless

some rules and regulations are prescribed by the department and there is authority given by law they can not lease it, and I will call attention to the forest reserves in the gentleman's own State which are being leased now to great advantage.

Mr. RAKER. No; we are not leasing any lands in the forest reserves.

Mr. STEPHENS of Texas. They are in New Mexico.

Mr. RAKER. They do not lease any land, they simply give a permit to turn stock on them in the forest reserves.

Mr. STEPHENS of Texas. But they charge for that permit.

Mr. RAKER. Yes; and that adds just that much cost to the beef and to living. That takes that much more money from the people living in the community in which these expenses are paid.

Mr. STEPHENS of Texas. Does not that furnish more beef to the country at large?

Mr. RAKER. No; it furnishes less, from the statistics presented before the committee. We are getting more and a better beef from private ownership than from men who have a permit that allows their stock to go on the reservation. The number of beef cattle have been reduced, but the general increase comes because of the farmers' intensive cultivations—raising alfalfa and other crops. The farmer is the man who does this.

Mr. STEPHENS of Texas. If the gentleman had lived in my State and observed the manner in which we are using our public domain he certainly would not object to this bill. We are securing every year three-quarters of a million dollars from lease of public domain; from school lands of the State, at 4 cents per acre. Many years ago that was not leased at all, and the lands belonged to everybody in common. The cattlemen and the sheepmen were fighting each other for these lands, as they were all over the United States. Now, no man would go back to the old system. We are preserving our public domain and own and control it.

Mr. RAKER. No; the record from the West shows that for 10 years, from the examination of all who appeared before the committee, there had been no dispute; that there has been no trouble to amount to anything. The record shows it has been used, and used better than any place in the United States today; used better than it is in the Eastern States, where thousands and thousands of head of cattle could be ranged and all the forage should be used; but the trouble is that the large stock interests have been for 20 years trying to get hold of the public range. Now, we want to avoid that in the Indian reservation, because it does not—

Mr. STEPHENS of Texas. What objection has the gentleman to the Indians getting more revenue from the lands they have? The gentleman is aware there are a great many millions of acres of land that belong to these Indians, very good grassland. Why should it not be utilized; why should not they raise beef; why should not the Indians get something for their grassland?

Mr. RAKER. I think the Indians should get something for them, but—

Mr. STEPHENS of Texas. Why should not they get something for them?

Mr. RAKER. But the gentleman has not yet answered my question. I want some information.

Mr. STEPHENS of Texas. Unless the Indians' lands are fenced and have line riders, of course, they run over the lines and get on the Indians' grass, and that creates trouble in the West and creates friction between the Indians and cattlemen.

Mr. FERRIS. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Yes.

Mr. FERRIS. The gentleman from California has some well-defined views about grazing on public lands, and I am partially with him about that and partially against him, but I want to call attention to the fact that this does not necessarily set any precedents by solving or unsolving that question one way or the other. This applies to the unallotted Indian land, and where there is a scope of Indian country that is not subject to homesteads or not subject to any sort of entry by the gentleman's constituents or my constituents or anybody else's constituents this merely lets the Indians lease their own land, and under the amendment that the gentleman from South Dakota [Mr. BURKE] is going to offer in a few minutes it merely takes the proceeds and reinvests them in severalty. So I do not think it involves a question which I know to be a very deep-seated one.

Mr. RAKER. What is the suggested amendment of the gentleman from South Dakota [Mr. BURKE]?

Mr. BURKE of South Dakota. I will say, Mr. Speaker, that under the present policy of leasing Indian reservations the money has been paid out per capita to the Indians, and in my State the annual per capita payment has, I think, been about \$3, and the amount has been so small it has done the Indian little if any good. Some of them travel 100 miles to get \$3.

The amendment that I propose to offer will authorize the Secretary of the Interior to take the proceeds received from the leasing of these unallotted tribal lands and use them in the purchase of stock for the tribe as a whole, and thus get them into stock raising.

Mr. RAKER. I understood from the gentleman when he appeared before the Committee on the Public Lands on this leasing question that there had been Indian leases in his State, and it had been a serious detriment as it there existed because of a few getting hold of large tracts of land.

Mr. BURKE of South Dakota. If we had the conditions that obtained a few years ago in my State, I would object to the passage of this bill, I will say to the gentleman, because at that time we had so much Indian reservation that there were large tracts leased to large cattle companies, which I think was not for the best interests of the development of our State. Now the reservations are diminished, the Indians have been allotted, and the surplus lands are in small areas, comparatively, to what they were.

Mr. RAKER. Do I understand from the gentleman, from his experience—and he has some of this land in his State—that the surrounding farmers who have cattle and horses get the benefit of the surplus grass that is on these lands?

Mr. BURKE of South Dakota. Not at all, Mr. Speaker. In fact, it has been very difficult for them to get it, even where they were desirous of paying the highest price for it, simply because the policy of the department has been against allowing the Indian to sell his hay, the theory being, if he was not permitted to sell it, he would put it up and feed it out to stock that he might himself own. And I may say that is a mere theory, as only a few Indians own any stock. The reservations that have been leased have been leased, as a rule, to large cattle companies from outside of the State, though not entirely.

Mr. RAKER. Mr. Speaker, I do not want to object to any bill if it has for its purpose this statement as made by the gentleman from Texas [Mr. STEPHENS], the chairman of the committee, but there is a good deal of false impression which has gone abroad in regard to the West as to the forage on the public domain which is theory and not fact. For 21 years—since the act of 1885, prohibiting the fencing of the public domain—the large stock interests have been centering upon a policy of trying to gobble up, to fence, and control the remaining public domain for the purpose of preventing homesteading, which they themselves in their testimony admit; and, second, that in rounding up their stock they do not want to have the association of homesteaders—those living upon that land. The policy would be to retard the development of the public-land States and put them into a cow pasture, and permitting the few to handle and control it. As I understand from the gentleman now, this bill does not have that effect, is not intended for that, but is intended for the benefit of the Indians. I do not believe that it would have any bad effect, so far as the Indians are concerned, at this time.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. RAKER. I yield.

Mr. TAYLOR of Colorado. Is not the principal objection of yourself and the other Members from the Western States to an agricultural leasing bill the fact that it will prohibit and prevent settlement upon the public domain?

Mr. RAKER. Not only will it prohibit and prevent it, but those interested admit that the homesteading retards the great cattle barons from getting more land and fencing up the remaining public domain.

Mr. TAYLOR of Colorado. If they are honest, they will admit that will put the public-land settlement out of business.

Mr. RAKER. There is no question about that.

Mr. TAYLOR of Colorado. But in this case this land is not open to settlement, anyhow. That objection does not obtain here.

Mr. RAKER. I asked that question, and my distinguished friend from Arizona and the distinguished chairman of the committee advised me that the public would not get any of the grass or forage upon the land anyhow.

Mr. TAYLOR of Colorado. Now, the other question that arises in my mind is why you do not put onto the Indians this leasing of the mines, and the oil, and the coal, and the phosphate, and the scenery? [Laughter.]

Mr. BURKE of South Dakota. I would like to ask the gentleman from Colorado [Mr. TAYLOR] a question.

Mr. TAYLOR of Colorado. Yes.

Mr. BURKE of South Dakota. I would like to ask the gentleman from Colorado if he does not think if we authorize by law the leasing of Indian reservations it may retard the opening to settlement and sale of surplus lands, after the Indians have been allotted, that in the interest of the development of

some of the Western States ought to be on the market at an early date? Now, I suggest that to the gentleman from Colorado and gentlemen from other Western States that may have considerable areas in Indian reservations, that if leases are made for a period of 5 or 10 years it will most likely be more difficult to get that land onto the market and subject it to homestead settlement for that reason.

Mr. TAYLOR of Colorado. That will not go on the market after that. It will be leased forever.

Mr. BURKE of South Dakota. I suggest that for the consideration of gentlemen who may have reservations in their State that they would like to have open to settlement that they had better consider carefully before allowing this bill to be passed by unanimous consent.

Mr. TAYLOR of Colorado. Let me ask the gentleman a question. Ought there not to be some provision in this lease to prohibit a gigantic monopoly of all of this thing? While we all have profound confidence in the present Secretary of the Interior, and in the past one, there will be Secretaries of the Interior in the future that none of us yet know, and ought there not to be some guarded provision in here, some limitation, or something?

Mr. BURKE of South Dakota. I do not wish to be understood to be committed to a policy of leasing Indian reservations. But before this bill is passed I want to offer the amendment I have mentioned and one that I think should be adopted.

Mr. MANN. I would like to ask whether under the provisions of this bill, where a lease may be made for a portion of an Indian reservation for grazing purposes for five years, and another portion for agricultural purposes for 10 years, it would be practicable to either allot the lands in severalty or to open them up for settlement and sale?

Mr. TAYLOR of Colorado. Not very much, no; because those people, in order to get those leases, are going to provide for the extension of them, and there will not be any twilight zone between these tenants.

Mr. MANN. There is no provision here providing for the extension of the lease, but it is perfectly evident that the leases will not all expire at the same time if they give grazing leases and agricultural leases in the same reservation, and of course if they give agricultural leases they will lease to one man one piece of property and to another man another piece of property at different times. Would there be any difficulty of allotting in severalty to the Indians subject to the expiration of the leases or the opening up of the land for sale to settlers, subject to the expiration of the leases?

Mr. TAYLOR of Colorado. Oh, I think the chances are that the Secretary of the Interior, if he understands his business—and we have got to presume that he will be honest—can and will protect the interests of the Indians, although it looks to me that it is clothing him with a wonderful amount of power.

Mr. BURKE of South Dakota. I want to suggest to the gentleman from Colorado, commenting on the observations of the gentleman from Illinois [Mr. MANN], that in my State, while the Indians have tribal lands unallotted, all the newborns shall be allotted. It is possible that there might be some complication if a tract were leased for agricultural purposes, we will say, for 10 years, about the child of some Indian being allotted that land, yet he would be entitled to an allotment. It is a question that ought to have careful consideration.

In reservations where the lands have all been allotted and all the Indians have been allotted, and there is no provision for allotting in severalty thereafter to newborns, I can readily understand how you can lease the unallotted or surplus land for 10 years without injuring the Indians; but where the law provides, as it does, with regard to the reservations in my State, and I think in some other States, that the newborns shall be allotted so long as there are tribal lands, you can readily see how there might be complications if the land is leased for 10 years.

Mr. RAKER. I still reserve my right, Mr. Speaker.

Mr. STAFFORD. Will the gentleman yield to me right there?

Mr. RAKER. In a moment.

I wanted to ask a question of the gentleman from South Dakota right there. Why would it not be better for the Indians and for the development of the country, that after all the allotments have been made to the tribes that are entitled to allotments they be allowed to dispose of that land, so that we might have settlements and towns, and the country built up in homes, as it ought to be, instead of lying open and unused?

Mr. BURKE of South Dakota. The gentleman's question answers itself. So far as I am concerned, I am not in favor, as a

general proposition, of authorizing Indian reservations to be leased.

Mr. RAKER. They want a leasing bill properly carried out, permitting fencing of these tracts; and when they once obtain the right to fence, will it not be continued ad infinitum, and will they not maintain that this leasing right shall forever be continued, and the land will never be thrown open to homestead settlement?

Mr. BURKE of South Dakota. Answering the gentleman's question, Mr. Speaker, I thought that would be the condition in my State when leasing was first begun, and it has been the case to some extent; but the present Commissioner of Indian Affairs has adopted a new policy, and is refusing to renew any of these leases. Only a few days ago he extended the time of some lessees, whose leases had expired, to remove their stock, until the 1st of November, I think it is, at a monthly price per head, and the price fixed is so high that it will mean that they will get their cattle out as soon as they mature them this year; so leasing has not worked entirely as I thought it might, to continue to keep the land under lease for all time.

Mr. RAKER. What authority did he have to make these leases, when it is stated in the report that there is no authority for such leasing?

Mr. BURKE of South Dakota. He states in this report that what he terms a "treaty reservation" may be leased. Now, the reservations in my State are created by the act of 1889, which ratified an agreement. There was no treaty, because we ceased making treaties some 19 or 20 years before that, but the reservations have been leased.

Mr. RAKER. As to the land—Indian land and unallotted—that is not leased in your State, do the farmers and homesteaders surrounding or near that land get the forage off of the land?

Mr. BURKE of South Dakota. I will say, Mr. Speaker, that they do not to any considerable extent. The lands are leased in two ways in my State. There are some that we call "large pastures," as large as 50,000 acres or more; and then another system of leasing has been to allow owners of cattle to put the cattle upon the reservation and pay so much per head per year, the reservation being fenced.

Now, I am a little surprised that the department should be asking for the enactment of any bill providing for the leasing of Indian reservations, for the reason that I have been assured by the Commissioner of Indian Affairs and the assistant commissioner and everybody connected with the Indian Office that it is the policy of this administration to discontinue making leases of Indian reservations and as soon as it is possible to get the Indians to use these lands for the grazing of a tribal herd, it being the hope of the Interior Department that Congress may provide such herds by appropriation, or permit the use of tribal funds to acquire such herds.

Mr. RAKER. Is the gentleman going to object to this bill under that statement?

Mr. BURKE of South Dakota. The gentleman is not objecting to the passage of the bill. The gentleman from California can do so if he wishes.

Mr. RAKER. I do not know how to object to a bill. I have never yet done so. The principle of this is all wrong, and there is no information here—

Mr. MADDEN. The gentleman can object to it.

Mr. RAKER. No. I do not want to be in any hurry. I want to get it fully before the attention of the House.

Mr. MADDEN. I ask for the regular order, Mr. Speaker.

The SPEAKER. The regular order is, Is there objection?

Mr. RAKER. Mr. Speaker, I reserve the further right to object.

The SPEAKER. But the gentleman from Illinois [Mr. MADDEN] demands the regular order, and the regular order is for the Speaker to put the question, Is there objection?

Mr. RAKER. I should like to be heard further, reserving the right to object.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. STEPHENS of Texas. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. BURKE of South Dakota. Now, Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

Mr. MANN. First, the committee amendments are to be acted upon.

Mr. BURKE of South Dakota. I will wait for the committee amendments.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, line 4, after the word "grazing," strike out the comma and insert the word "and"; and in the same line, after the word "agricultural," strike out the comma and insert the words "and mining."

The amendment was agreed to.

Mr. STEPHENS of Texas. There is another amendment in line 9.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Page 1, line 9, strike out the words "or agricultural."

The amendment was agreed to.

Mr. STEPHENS of Texas. And in line 1, on page 2, is another amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, after the word "no," strike out the word "mining" and insert the word "agricultural."

Mr. RAKER. Mr. Speaker, am I entitled to be heard on the amendment?

The SPEAKER. Yes.

Mr. RAKER. I should like to ask the gentleman why he strikes out the word "mining"?

Mr. STEPHENS of Texas. The committee did it by a vote.

Mr. RAKER. That does not answer the question.

Mr. HAYDEN. I can answer the gentleman's question. There was pending in the Committee on the Public Lands, as the gentleman is aware, a bill for leasing the fuel and fertilizing minerals in the public lands of the United States. From my knowledge of the hearings that had been held before the Public Lands Committee I believed that some plan would be adopted, some principle established, that might be applicable to mining these minerals on Indian reservations. For this reason I did not think it was proper at this time to make a wide-open leasing arrangement for mining on Indian reservations.

Mr. RAKER. I understand, then, that it is the purpose later to have the minerals on the Indian reservations leased, and to have this bill apply only to the agricultural features of the bill.

Mr. HAYDEN. My idea is this, that whatever law applies to leasing of the public domain for mining purposes, that that same law should apply to the Indian reservations.

Mr. RAKER. I see.

Mr. HAYDEN. And therefore I did not think it was proper to have another system inaugurated at this time. I made the motion in the Indian Committee to strike out all mention of mining in this bill.

The amendment was agreed to.

The SPEAKER. The Clerk will report the Burke amendment. The Clerk read as follows:

Page 1, line 8, after the word "prescribe," insert the following: "And may expend the proceeds received in the purchase of live stock for the benefit of the tribe occupying the reservation leased."

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. NORTON. Mr. Speaker, I move to strike out the last word.

So that the changes which this bill, if enacted, will make in the existing law may be clearly presented to the House, I wish to read sections 1 and 2 of the act approved February 28, 1891 (26 Stat., 897). These sections are as follows:

SEC. 1. That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty or stipulation or by virtue of an act of Congress or Executive order setting apart the same for their use, the President of the United States be, and he hereby is, authorized, whenever in his opinion any reservation, or any part thereof, of such Indians is advantageous for agricultural or grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed, if necessary, and to allot to each Indian located thereon one-eighth of a section of land: *Provided*, That in case there is not sufficient land in any of said reservations to allot lands to each individual in quantity as above provided the land in such reservation or reservations shall be allotted to each individual pro rata, as near as may be, according to legal subdivisions: *Provided further*, That where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty to certain classes in quantity in excess of that herein provided the President, in making allotments upon such reservations, shall allot the land to each individual Indian or said classes belonging thereon in quantity as specified in such treaty or act, and to other Indians belonging thereon in quantity as herein provided: *Provided further*, That where existing agreements or laws provide for allotments in accordance with the provisions of said act of February 8, 1887, or in quantities substantially as therein provided, allotments may be made in quantity as specified in this act, with the consent of the Indians, expressed in such manner as the President, in his discretion, may require: *And provided further*, That when the lands allotted, or any legal subdivision thereof, are only valu-

able for grazing purposes, such lands shall be allotted in double quantities.

SEC. 2. That where allotments have been made in whole or in part upon any reservation under the provisions of said act of February 8, 1887, and the quantity of land in such reservation is sufficient to give each member of the tribe 80 acres, such allotments shall be revised and equalized under the provisions of this act: *Provided*, That no allotment heretofore approved by the Secretary of the Interior shall be reduced in quantity.

SEC. 3. That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age or other disability, any allottee under the provisions of said act, or any other act or treaty, can not personally and with benefit to himself occupy or improve his allotment or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by such Secretary, for a term not exceeding 3 years for farming or grazing or 10 years for mining purposes: *Provided*, That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by authority of the council speaking for such Indians for a period not to exceed 5 years for grazing or 10 years for mining purposes, in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.

Mr. Speaker, as will be noted from the reading of section 1 of this act of February 28, 1891, this section refers to three distinct and separate classes of Indian reservations—(1) reservations created either by treaty or stipulation; (2) reservations created by acts of Congress; (3) reservations created by Executive order.

The first paragraph of section 3 gives the Secretary of the Interior authority to lease allotted lands on any of the three classes of reservations belonging to Indians who by reason of age or other disability can not personally and with benefit to themselves occupy or improve these allotted lands.

The proviso contained in section 3 authorizes the Indian council, subject to the approval of the Secretary of the Interior, to lease allotted and unallotted lands not needed by the Indians for farming or agricultural purposes where these lands are in reservations of the first class, which includes reservations where the Indians have bought and paid for their lands. No provision is made in section 3 for the leasing of unallotted lands in reservations of the second and third classes; that is, in reservations created by acts of Congress or by Executive orders. This bill, as I understand its purpose, makes provision for the leasing of unallotted lands in these reservations of the second and third classes. Under the terms of this bill as amended the lands are not to be leased for mining purposes, but only for grazing and agricultural uses.

Mr. RAKER. What has been the gentleman's experience as to the leasing of allotted lands for mining purposes? Have they been leasing these claims as provided under the law?

Mr. NORTON. No; not at all in my State, as far as I have been able to learn.

I am much in favor of the amendment that was offered by the gentleman from South Dakota and which has just been adopted. I believe that every encouragement should be given Indians on these reservations to raise cattle and horses and to use these lands themselves instead of leasing them to white people. Where the Indians can not be induced to make use of these lands themselves, the next best thing, of course, is to lease them, and to do this wisely and for the best interest of the Indians.

Mr. STAFFORD. Mr. Speaker, I want to ask the gentleman a question.

The SPEAKER. The time of the gentleman from North Dakota has expired.

Mr. STAFFORD. I ask unanimous consent that the gentleman from North Dakota may proceed for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. STAFFORD. Can the gentleman inform the House from his experience as to the success of this leasing for three years as carried in the existing statute? Here we are extending the period from 3 to 10 years, even against the recommendation of the Secretary of the Interior.

Mr. NORTON. As far as I know from my own knowledge and from hearsay, and speaking only of leasing in my own State, it has not been altogether satisfactory. In fact, there has been a great deal of complaint that the cattle and horses of white lessees have ranged over in their grazing on lands owned by the Indians and not leased, and they have done much damage, which has never been paid for, to the Indians.

Mr. STAFFORD. My inquiry is limited more as to the success based on a limited tenure of 3 years, which we are now extending to 10 years.

Mr. NORTON. I judge that in the case of a lease for 10 years a higher price per acre would be paid the Indians than in the case of a lease for a shorter period.

Mr. STAFFORD. Will not one effect of a long tenure be the withdrawal of the lands from ultimate settlement?

Mr. CARTER. The lands are not subject to settlement now.

Mr. STAFFORD. They may be subject to entry and settlement by some act of Congress later on. If you are going to lease it for 10-year terms, the inducement for settlement is going to be withdrawn.

Mr. MADDEN. Is it not likely that in leasing these lands they will have a cancellation clause in the lease?

Mr. STAFFORD. I think that the Secretary of the Interior would protect the interests of the Government.

Mr. MONDELL. Mr. Speaker, the gentleman from North Dakota [Mr. NORTON], through inadvertence, did not exactly state the situation in regard to the leasing provided for in section 3 of the act of February 28, 1891. The lease as provided for in that section, or the proviso, under the order of the Indian council, relates only to what are known as treaty reservations.

Mr. NORTON. I so stated.

Mr. MONDELL. The gentleman intended to, I have no doubt, but when he reads the notes he will find that he includes all three classes of reservations. At the present time an Indian allotment or any sort of reservation can be leased for mining, grazing, or agricultural purposes; that is, an allotment. The bill before us relates entirely to unallotted lands, and provides for grazing and agricultural leases on unallotted lands on reservations created by act of Congress or by Executive order.

Now, the proviso in section 3 of the act I quoted a moment ago the department applies only to what they call treaty reservations. The proviso itself does not contain the words "treaty reservations," but is as follows:

Where leases are occupied by Indians who have bought and paid for the same.

And the Indian Office has taken the position that treaty reservations are lands which the Indians have bought and paid for. In other words, treaty reservations are those referred to in this proviso. Under treaty reservation the Indian council may provide for leasing of unallotted lands for grazing 5 years, mining 10 years, but no agricultural lease at all.

Now, in my opinion, that is a wise provision. Unallotted lands on Indian reservations should not be leased for farming purposes at all. If they are fit for farming purposes and the Indians do not need them and can not use them, they should be open for settlement. On the other hand, there may be some difference of opinion as to the advisability of leasing the grazing lands on Indian reservations. If it means a permanent lease, a system that is going to continue for a great length of time, then it is a system of doubtful wisdom. If it is only intended to be temporary, to such time as the Indian can acquire cattle and use the land himself, then it may be an entirely proper thing to do. But to lease unallotted agricultural lands on Indian reservations means the establishment of a leasehold farming system upon Indian lands, which I do not believe is a wise thing.

My particular interest in this legislation relates to the fact that it does not apply to the reservation in my State.

Mr. STEPHENS of Texas. The gentleman is correct.

Mr. MONDELL. To put it another way, I should have more interest in it if it did affect the reservation in my State.

The SPEAKER. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, I ask for three minutes more.

The SPEAKER. The gentleman from Wyoming asks that his time be extended for three minutes. Is there objection?

There was no objection.

Mr. MONDELL. I think it wise and proper that they have the authority to lease mineral lands. They are leasing coal lands, they are leasing oil lands to the advantage of the Indians, and in a way it is helpful to the development of the country. This bill, applying to other classes of reservations, as I understand it, prohibits mining leases by reason of the fact that it makes no reference to them, but does provide for other classes of leases. Mining leases not being provided for, can not, of course, be made.

Mr. STEPHENS of Texas. This repeals existing law by implication.

Mr. MONDELL. It does not repeal existing law. There is no law on the statute books on the subject. In other words, there is no authority now to lease these lands on the reservations in these classes.

Now, in the absence of law the Indian Office has not authority to lease any of this land for any purpose; now, if we provide for a law for the leasing of the land for a specific purpose that is the only authority granted. And while the department might have held in the absence of any law on the subject that in the exercise of a supervisory authority it might have leased these lands without any law on the subject, the department certainly can not hold after we have legislated on the subject

matter that they can lease for purposes not provided for by law. We foreclosed them as to other kinds and classes of leases by legislating with regard to this class of leases, and so far as at least one of these classes of leases is concerned, to make leases of unallotted land, it is my opinion a mistake, whatever may be said with regard to the grazing lease. So far as the permit is concerned, to which my friend from Wisconsin referred a moment ago, if we are to make an agricultural lease it ought to be for 10 years, and that is particularly true if these lands be irrigable; otherwise it would be impossible to make an advantageous lease for a shorter length of time, but I do not think they ought to be leased at all if they are fit for farming purposes.

The SPEAKER. The gentleman withdraws the pro forma amendment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read:

A bill authorizing the Secretary of the Interior to lease for grazing and agricultural purposes unallotted lands within Indian reservations established by act of Congress or Executive order.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### PUBLIC BUILDING AT NEWCASTLE, IND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11317) to increase the limit of cost of the United States post-office building at Newcastle, Ind.

The Clerk read as follows:

*Be it enacted, etc.,* That the limit of cost of the United States post-office building at Newcastle, Ind., be, and the same is hereby, increased \$15,000, or so much thereof as may be necessary, to meet the additional cost of construction of said building by the substitution of stone instead of brick with stone trimmings, as specified in the existing specification.

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I would like to know how much the cost of this building is to be and what is the purpose of changing from the present construction of the building to a stone construction, and also what is the revenue from the post office?

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the next bill.

#### MINE RESCUE STATION AT McALESTER, OKLA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3988) for the purchase of a building and lot as a mine rescue station at McAlester, Okla.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to purchase, for and on behalf of the United States, the following-described real estate in the city of McAlester, county of Pittsburg, State of Oklahoma, to wit, the north 50 feet of lot No. 2, in block No. 487, in the original town site of South McAlester, the dimensions of said lot being 50 feet by 165 feet, with 50 feet front on South Third Street, in said city of McAlester, together with the two-story brick building and all other improvements thereon, for the use of the Bureau of Mines for a mine rescue station and for such other purposes as the Bureau of Mines may from time to time desire to use the same, at and for the sum of \$5,500, which said sum is hereby appropriated for such purchase out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman whether this building is on a railroad switch or not?

Mr. CARTER. I am sure I can not tell the gentleman. I assume, however, it is, although I have never seen the building.

Mr. MANN. Does not the gentleman think we ought to know?

Mr. CARTER. I think that is a very important thing; and I was so sure that such a building would be erected conveniently to switching facilities that it had not occurred to me to ask about that particular feature. I have never seen the building, but I should think the bureau certainly would see that this important matter was considered in the erection of a building for this purpose.

Mr. MONDELL. Has the gentleman any information on that subject at all?

Mr. CARTER. I have not any, except this information. I understand it was erected under the direction of Dr. Holmes, of the Geological Survey, and was located in accordance with the regulations of the department, so it had not even occurred to me it would not be on a railroad switch.

Mr. MONDELL. At one time I think it was the statement of the Mining Bureau that it might be well to establish these mine rescue stations at various points in the country separate and apart from a point or place which is the headquarters of a

rescue car. McAlester, if I recollect rightly, is the headquarters of a mine rescue car, is it not?

Mr. CARTER. I presume so.

Mr. MONDELL. More recently I think the bureau has come to the opinion—I am sure that many others have; I have personally—that any building we have in connection with mine rescue work should, in the main, be a building at the headquarters of a mine rescue car, and should be a building adjacent to a switch on which the mine rescue car is placed when it is not in use.

In other words, what we need in this mine rescue work is not a lot of stations scattered throughout the country more or less separate and apart from the crew and the car works, but headquarters buildings located so as to be convenient to the car crews, buildings that can be utilized as headquarters and by the car crews, for headquarters for the car crews possibly at times for the relief from the monotony of the car, a place for the storage of surplus material so as not to overload the cars with that sort of thing. Now, if this building is located so as to serve the purposes of that particular thing, then by all means we ought to have it. I do not know but what we ought to have it in any event under the circumstances, but if it is located as I have suggested and for the purposes which I have suggested, and in order to be most useful for those purposes it must be adjacent to a car switch, then certainly we ought to acquire the property.

Mr. CARTER. Mr. Speaker, I looked over the record of Dr. Holmes's statement to see if he touched upon this matter, but I suppose the Committee on Public Buildings and Grounds took it for granted that a man of Dr. Holmes's experience would not attempt to build a mine rescue station outside the usual requirements. Now, if the gentleman will permit me, I will read to him just what the building is.

Mr. MONDELL. Is that about its location?

Mr. CARTER. No; it is not.

Mr. MONDELL. There was a view developed possibly at the time this was erected that these stations should be erected at various places, not to be used as car headquarters, but as a separate and distinct establishment.

Mr. CARTER. Let me read what this building is from data prepared by the bureau:

This building, as stated in the bill, is built of brick, two stories with basement, all commodious and complete, finished in first-class style and work. It contains a large smoke or practice room for rescue training, observation hall, reading and lecture room, repair room, and office for the man in charge. In addition to the ordinary finishing and furnishings it has a complete system of electrical wiring, the best and most up-to-date gas and water plumbing, and a complete heating plant, with large boiler and fixtures.

Mr. Holmes told the Committee on Public Buildings and Grounds that when the Bureau of Mines was organized in 1910 the miners and the mine operators of the McAlester district were the first to respond in any kind of assistance to his bureau. He needed a building, he went there, and he could not secure one in McAlester, which is centrally located in the Choctaw coal district. The miners and mine operators, by personal subscription, provided for the erection of this building, but they did not raise enough money with which to build it, lacking something over \$5,000, and that money was borrowed by the operators and the miners, a mortgage being given on the building and lot. Now, the operators and miners propose to turn the property over, which is worth \$10,000 or \$12,000, to the Federal Government, if the Government will only pay the \$5,500 mortgage on that property.

The SPEAKER pro tempore (Mr. ALEXANDER). Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, as I understand, this building is one that is put up by the local people, the local people being lessees of Indian coal lands, where they raised \$6,500 to put up a building, which now has a mortgage on it of \$5,500, and which is now used by the Government at a rental of \$40 a month?

Mr. CARTER. The lot and building cost about \$11,500.

Mr. MANN. The Indians are all paid for this coal, are they not?

Mr. CARTER. They are supposed to be, but they are not. The money is placed in the United States Treasury, and can not be drawn out until Congress appropriates.

Mr. MANN. It is not proposed to draw any of it out through this bill?

Mr. CARTER. No.

Mr. MANN. The money to be paid here is to come out of the General Treasury?

Mr. CARTER. Yes, sir.

Mr. MANN. What is the reason these people got cold feet?

Mr. CARTER. The mine operators and miners?

Mr. MANN. The people who contributed this money to erect this building. Is the statement in the report correct, that they have not been as prosperous as they hoped to be?

Mr. CARTER. There may be some truth in that. The oil and gas development somewhat interfered with coal sales, and labor troubles ensued.

Mr. MANN. I can very readily understand that these people in the prosperous and hopeful days of 1910 could easily see a way of raising \$11,000 or \$12,000 to build an institution and present it to the Government. But that fall there was a frost, a killing frost. A Democratic majority was elected to the House of Representatives, and yet they hoped that the evil might pass away, and so they put a mortgage on the property and paid interest and waited until after the election of 1912. And then there was a freeze, and then they gave up. [Laughter.] Then they said, "We are not prosperous. Where before we were willing to contribute out of our private means to aid the Government in this, the Government through its policies has deprived us of the means of doing it, and now we asked you to pay for this out of the General Treasury." While I doubt the propriety of doing it, still, understanding the difficulties or obstacles which confront these noble and generous gentlemen whom you are trying to put out of business, I shall not object to taking it out of the Treasury.

Mr. CARTER. I shall not object to the gentleman taking that view if he just will not object to my bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. NORTON. Mr. Speaker, reserving the right to object—

The SPEAKER pro tempore. The Chair did not hear objection.

Mr. NORTON. I was on the floor.

The SPEAKER pro tempore. The gentleman from North Dakota reserves the right to object.

Mr. NORTON. I would like to ask the gentleman a question. Does the gentleman think that this building should be on the railroad?

Mr. CARTER. Perhaps it should be, and I think it is.

Mr. NORTON. I want to say to the gentleman that Mr. Manning, of the Bureau of Mines, has made a personal investigation of this matter—has been down and looked over this building. He tells me that the building is about two or three blocks from the railroad, and that it is not on any spur or any sidetrack of a railroad, but that it is on a trolley line. I thought I would tell the gentleman that.

Mr. MANN. It came very near getting on a sidetrack here.

Mr. MONDELL. Reserving the right to object, I am glad we have the information from the gentleman from North Dakota [Mr. NORTON] that I sought from the gentleman from Oklahoma [Mr. CARTER]. It seems that the building is not on or near the railroad. While I regret that fact, I think the circumstances are such that we should take the building over and pay for it, that situation to the contrary notwithstanding, particularly in view of the situation which has just been outlined by the gentleman from Illinois [Mr. MANN]. The gentleman has just made an inquiry as to whether this was the beginning only of taking up deficits that have fallen upon the American people or have come to them by reason of this Democratic administration, and if this was simply an entering wedge. Does the gentleman hope to go on from this to relieve every citizen or combination of citizens that have already found themselves in financial difficulty since 1910?

Mr. MANN. Will the gentleman from Wyoming yield?

Mr. CARTER. The gentleman can take it as he pleases, so long as he lets us pass the bill.

Mr. MANN. The gentleman knows the present condition of the calendar. Gentlemen on that side have arranged bumpers in every direction, and bills like this can only pass by unanimous consent. But after this Congress that side of the House will not have anything to say about it.

Mr. MONDELL. All of which is very true. But I was about to say, Mr. Speaker, that while, in my opinion, we should purchase this building, I am inclined to the view that we should not, in further investments of this sort, make them in buildings some distance from the railroad tracks—

Mr. CARTER. Let me say to the gentleman—

Mr. MONDELL. And buildings not directly associated with the headquarters of the car.

Mr. CARTER. Let me say this to the gentleman: The gentleman from North Dakota [Mr. NORTON] has just spoken of this building being on the trolley line. The trolley line passes through the coal region. It would give just as efficient service on the trolley line as on a railroad line.

Mr. MONDELL. It is some distance from the car line. The rescue car is more and more coming to be recognized as the one

essential thing in this rescue work, and therefore all supply stations, all stations for the exercise of the crew, all stations where the crew may for a time have temporary quarters away from the car, should be located so as to be readily and quickly accessible to the car.

Mr. CARTER. That would be so in this case. This is on the trolley line.

Mr. MONDELL. It is some distance away. It would be like stationing the personnel of a fire station some four or five blocks away from the apparatus which they are to operate.

Mr. CARTER. Oh, I will say to the gentleman that the railroad cars can be switched right off onto the trolley line.

Mr. MONDELL. They do not sidetrack the car. They do not run the rescue car on this trolley line.

Mr. CARTER. There is no reason why they should not. They run freight cars and coal cars right on the trolley line.

Mr. NORTON. I will say to the gentleman that I have asked the officer at the department if it would be necessary for this building to be on the railroad track or on a siding, and he said not. He said it was to be used for the storing of the mine rescue equipment rather than to be used for the mine rescue car, and that it was not necessary for the mine rescue car to run up to the building. I do not know how much he knows about it, but I presume he knows a good deal about it.

Mr. CARTER. He knows all about it.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to state, if I am permitted, that this line is 30 or 40 miles long. It runs right through the heart of this mining district to the town of Hartshorn.

Mr. CARTER. The trolley line, on which cars have a 15 or 30 minute schedule.

Mr. STEPHENS of Texas. Yes; and it would be of much more service to those coal miners on this trolley line than anywhere else.

Mr. MONDELL. The gentleman does not understand that the mine rescue car would be run on the trolley line?

Mr. MANN. It is known that this building at McAlester is of no value to the Government. We will give it back to the city in a few years after we have accepted it.

Mr. FOSTER. Is this building now so constructed that the car can be run into the building?

Mr. CARTER. I could not say as to that.

Mr. FOSTER. Or is it just for the storing of the apparatus to be used?

Mr. CARTER. The gentleman knows more about mine rescue stations than I. This is the only one I have ever had any experience with.

Mr. FOSTER. As was suggested by the gentleman from Wyoming [Mr. MONDELL], there are stations where they store the apparatus. Then they have what they call movable stations. That is where the car has a home, but has to be moved around over certain districts. If this building is only for the purpose of storing certain apparatus, I think it is not the best for the Government to buy the building.

Mr. MANN. That is all it is to be used for.

Mr. FOSTER. Then I think this bill ought to go over until it can be looked up.

Mr. CARTER. This bill has been rejected from the calendar once before. It has been on the calendar for several months. I hope the gentleman from Illinois [Mr. FOSTER] will not object to it.

Mr. FOSTER. Let me give the gentleman this illustration: In the State of Illinois we have what is called a station at Champaign, at the State university. There is no car there. They have some apparatus that has to be taken out. The State of Illinois has established three movable stations. That is, the State has purchased three cars that are in use, going from mining camp to mining camp over the State, and instructing the miners. That is the important work. Those stations are not the important work.

Mr. WILLIS. Mr. Speaker, will the gentleman yield for a question?

Mr. FOSTER. Yes.

Mr. WILLIS. Can the gentleman tell how many of these rescue stations there are in the United States?

Mr. FOSTER. Eight.

Mr. WILLIS. Where are they located?

Mr. FOSTER. I can not give the gentleman the locations just now. I think the Government has one that has been donated in Alabama and one in the State of Washington. The others have not been donated.

Mr. WILLIS. Can the gentleman tell us—

Mr. CARTER. They have one at Birmingham, Ala., and one at Norton, Va., one at Pittsburgh, Pa., and one at Jellico, Tenn.

Mr. FOSTER. What does the gentleman mean?

Mr. WILLIS. Then there are three in the country.

Mr. FOSTER. What does the gentleman mean?

Mr. CARTER. Mine-rescue-station buildings.

Mr. FOSTER. You mean the buildings?

Mr. CARTER. Yes.

Mr. FOSTER. I could not tell you how many we have.

Mr. MANN. They have more than three.

Mr. CARTER. There is one at Pittsburgh.

Mr. MANN. There is one out West somewhere.

Mr. FOSTER. The gentleman refers to buildings that the Government owns, not to stations that are established.

Mr. CARTER. The gentleman is correct about that.

Mr. MANN. I refer to the buildings. The Government is authorized to build a building, but it is not authorized to buy land. Where the sites have been donated, they have built buildings.

Mr. FOSTER. That may have been done.

Mr. WILLIS. There are four places where the Government owns the plant, separate from the cars. How many of those rescue cars are there now?

Mr. CARTER. There are eight.

Mr. FOSTER. I think there are eight in the United States.

Mr. MANN. And there is this one where we rent this building?

Mr. CARTER. There may be other buildings that are rented now, but there are four, I think, that the Government owns.

Now, permit me to say that the veins of coal in this vicinity are the most gaseous and explosive in the Southwest. There are many large mines in close proximity to this station. I should judge that not less than five or six thousand miners are employed within a radius of 15 or 18 miles, and mostly along this trolley line. McAlester is a prosperous, growing city in the center of the mining district, and this property may cost much more in the future.

Mr. FOSTER. I hope the gentleman will let this go over.

Mr. CARTER. I trust the gentleman from Illinois will not object. It will be difficult to get this bill through at this session of Congress if it is not passed to-day. I have had it up with the gentleman several times and have gone into it thoroughly. Here is a case where some gentlemen actually paid out their money with no hope of personal reward or benefit, but they have paid out the money for the building of a public institution for the Federal Government, upon the understanding, clearly manifest from this correspondence, that they would be paid for the buildings which would eventually be taken over by the Government.

Mr. MANN. What! Does the gentleman mean to say that Dr. Holmes agreed with these parties that they would be paid?

Mr. CARTER. I do not know that there was any agreement—

Mr. MANN. Because if that is so, that is very important.

Mr. FOSTER. I think the gentleman is mistaken about that. The Government was to take it as a gift.

Mr. CARTER. I may be mistaken about that, but that is what I gather from reading the correspondence. This letter says:

During the year of 1910 there was created a Bureau of Mines, and a mine rescue station was located at this place. As there was no building available for such work, the coal operators took it upon themselves to secure funds necessary for the purchase of a site and the erection of a suitable building.

Through the donations of miners, mine operators, and business men throughout the mining district there was collected something like \$6,000; a site was purchased and the building constructed. The total cost of this was about \$10,000, which left a deficit of \$4,000, to take care of which a number of the mine operators secured a loan from the local banks, which they are still carrying.

Upon the completion of the building the committee in charge agreed to deed same to the Government, provided it would assume this indebtedness. This had the indorsement of Dr. Holmes, Chief of the Bureau of Mines—

That is what I got my impression from—

but on investigation it was found that there was no law permitting the Government to accept the offer.

Mr. MANN. That is the pending bill?

Mr. CARTER. Yes; but that was in 1910.

Mr. MADDEN. When they were able to raise money.

Mr. MANN. If the indebtedness was \$4,000, how do they get the amount now up to \$5,500?

Mr. CARTER. I think I can explain that to the gentleman. I thought I had explained it to him the other day.

Mr. MANN. We have been paying them \$40 a month, and that is certainly enough to pay the interest.

Mr. CARTER. Interest has accumulated on the amount borrowed.

Mr. MANN. How could it accumulate when we are paying \$40 a month rent for the building?

Mr. CARTER. I can explain that if the gentleman will give me an opportunity.

Mr. MANN. Forty dollars a month would more than take care of the interest on \$4,000.

Mr. MADDEN. That would be 12 per cent on \$4,000.

Mr. CARTER. The mine operators—the owners of the property—simply offer to convey it to the United States for a sum sufficient to pay the debt. This would give the Government property well worth \$10,000 to \$12,000.

Mr. MANN. The gentleman read a statement in the letter that the indebtedness on this building was originally \$4,000. Now, it is stated in the bill at \$5,500. How could it be increased, and how was it increased except by interest? And if it was interest, why should not the rent we have been paying pay the interest?

Mr. CARTER. I am frank to say that I think a part of that is interest, though I do not say how much.

Mr. MANN. We have been paying rent enough to pay the interest.

Mr. CARTER. I assume that—

Mr. MADDEN. If we were paying 6 per cent it would amount to only \$960 for the four years.

Mr. CARTER. What I want to say to the gentleman is this: This building really is now considered worth \$10,000 to \$12,000 by the Bureau of Mines, according to their own statement.

Mr. MANN. We do not care what the building is worth. We can get one man to say it is worth \$15,000 and the next one, equally competent, to say it is worth \$7,500, and another man probably would say it was worth \$5,000.

Mr. FOSTER. Let me ask the gentleman from Oklahoma, Does the Government get title to the ground upon which this building stands?

Mr. CARTER. Yes; it does.

Mr. FOSTER. And the opportunity to get in there with their cars?

Mr. CARTER. Yes. It has been stated here that the trolley line runs right by the station.

Mr. FOSTER. My reason for asking is this: The Government takes these cars. They cost about \$1,500 to \$2,000 apiece. The car is of more practical use than the station; so if we put a lot of money into buying these stations it will take that much money away from the amount that we can spend for cars, which is not a good thing, because the cars are the important part of the mine rescue work.

Mr. WILLIS. Will the gentleman yield for a question?

Mr. FOSTER. Yes.

Mr. WILLIS. Just what work is done at these stations anyhow? Are they simply storage places?

Mr. FOSTER. That is about all. They may train some miners there.

Mr. WILLIS. The actual work is done in the car?

Mr. FOSTER. The stations are not movable. It is found that the miners will not travel a great way in order to get this instruction. Now, the car goes into a mining camp where there are several hundred miners working, and they are instructed with this car, which has all the apparatus, and in that way the car does the good by going to the men instead of trying to get the men to go a long distance to take instruction at the station.

Mr. WILLIS. In this mine rescue work the car is the important thing.

Mr. FOSTER. By all means; the car is the important thing, and is taken from place to place to instruct the miners.

Mr. MONDELL. Let me suggest that the Bureau of Mines is coming to realize the importance of having a headquarters station for every car, a central station located near its field of operations, a headquarters station where the car is held in actual service. The greater part of the time, of course, it is in actual service here and there in the various mines—one week in this mine and another week in that mine, and so on—but when not in actual service in the field it is at the headquarters station. The bureau believes there should be at each headquarters station a small building—a frame building is considered satisfactory—for the storage of surplus equipment, and possibly one room that can be used to demonstrate, where there will be a little more space than there is on the car. And then it would be an excellent thing to have a second story, in which there could be two or three rooms for the men assigned to the car, a place where they could sleep when the car was at headquarters and give them some relief from the continual life on the car. That sort of a station could be built for from \$1,000 to \$1,500.

That is one sort of a station that we ought to have. When you build expensive stations back at a distance from the car you are liable to build up there another branch or organization

not correlated with the car service, and instead of getting a beneficial use of the building, if you had a considerable number of them, the effect on the service might be unfortunate. I think this is an exception to the general rule. This building was erected in good faith by people who wanted to help the Government and wanted a car station at McAlester.

Mr. FOSTER. I think the gentleman from Wyoming states the proposition plainly. The great trouble has been that the Government has not sufficient cars to cover the whole territory in the United States and give the instruction to the miners. For instance, they are taking up the question of perfecting electric lamps so as to get rid entirely of lamps that are dangerous. The other day in West Virginia the mine explosion there may have been caused by an open light, or one supposed to be safe but was not, coming in contact with gases. If they can impress on the miners the importance of these things, which they can only do by going into the camp with the cars, it is hoped that in a reasonable time they will be able to avoid a good many of these accidents.

Mr. COOPER. Will the gentleman yield?

Mr. FOSTER. Certainly.

Mr. COOPER. The gentleman said that this mine explosion in West Virginia was caused by an open light?

Mr. FOSTER. It may not have been an open light, but it was not one of the latest improved electric lamps, as they are not yet so perfected as to be in general use, but it is hoped they will soon be.

Mr. COOPER. Was it stationary or to be carried about?

Mr. FOSTER. I do not know. They are manufacturing a small electric light which gives more light than the old safety lamp—a little electric lamp carried by the miner—and the use of which entails absolutely no danger of igniting gas in a mine. A part of the work of the rescue cars is to instruct the miners in all these safety devices and to impress on them the importance of always using the utmost care. The miners and operators are both anxious to get this instruction, and it is very important for the safety of the lives of the miners.

Mr. MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

Mr. CARTER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. KINDEL, by unanimous consent, was given leave to extend his remarks in the RECORD.

#### INCOME TAX ON RAILROADS IN ALASKA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9770) to levy and collect an income tax on railroads in Alaska, and for other purposes.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in addition to the normal income tax of 1 per cent there shall be levied and collected 4 per cent on the net annual income of all railroad corporations doing business in Alaska, on business done in Alaska, which shall be computed and collected in the manner provided in the act of Congress approved October 3, 1913, entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," the proceeds of which tax when collected shall be paid to the treasurer of Alaska and be applicable to general territorial purposes. So much of the provisions of the act of Congress approved March 3, 1899, entitled "An act to define and punish crimes in the District of Alaska and to provide a code of criminal procedure for said district," or acts amendatory thereof as impose a license tax of \$100 per mile per annum on railroads operated in Alaska is hereby repealed, and all penalties for nonpayment thereof are hereby remitted.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I reserve the right to object. This bill is to exempt railroads in Alaska from taxes until that country becomes populated so that they have some income from which to pay taxes. As the report shows—and I compliment the gentleman from Virginia [Mr. Watson] for the very extensive report he has submitted—there are several railroads up there that have not been able to pay the existing license fee of \$100 per mile supposed to be in lieu of personal property tax. Can the gentleman from Virginia inform the House what is the rate of taxation on personal property in general—not on railroads—of the inhabitants of Alaska? How do they raise funds to meet the expenses of the government?

Mr. WATSON. Until very recently there has been no local taxation in the Territory of Alaska. The Territorial Legisla-

ture has only recently been organized, and, except during the past year, there has been no attempt on the part of any local legislative body to impose any system of taxation. All of the revenue raised in the Territory of Alaska has been raised by acts of Congress itself, all of which, and more besides, has been expended in the Territory, because the local revenues have been inadequate for the expenses of the government.

Mr. STAFFORD. In the enabling act Congress vested authority in the Territorial Legislature to originate the form of taxation.

Mr. WATSON. Under the act of 1912.

Mr. STAFFORD. By this bill we take away the authority and say that so long as the railroads have no income they are not subject to taxation.

Mr. WATSON. That is not exactly the state of the case.

Mr. STAFFORD. It is the effect of it, is it not?

Mr. WATSON. In 1899, before there were any railroads in Alaska, Congress provided a civil and criminal code for the Territory. Although it was a remarkable place in which to put such a provision, it did, in the criminal code enacted for the Territory, incorporate a revenue-license tax for railroads in Alaska. Under the organic act to which the gentleman refers, passed in 1912, a Territorial legislature was provided for; but in that organic act it was expressly provided that the legislature should not have jurisdiction to tax railroads until five years after the passage of that law.

Mr. STAFFORD. In other words, merely suspended taxation for five years, and then they are to have full power of taxation?

Mr. WATSON. A fair statement of the case is, Congress has heretofore exercised the power, and reserved the right to exercise it exclusively for five years after the passage of that act.

Mr. STAFFORD. It is already the existing statute that the tax levy should be \$100 per mile—

Mr. WATSON. That is true.

Mr. STAFFORD. For the license tax.

Mr. WATSON. That is correct.

Mr. STAFFORD. According to the report, there are certain railroads that are defunct there. As we all know, in the consideration of the Alaska railroad bill it was brought out that there was no income whatsoever; and I assume there are very few railroads up there that have any income, or will have for quite a number of years to come; so by this bill you virtually exempt the railroads from taxation, and take away from the Territorial legislature the right to levy any taxation whatsoever on the railroads except this provision of 4 per cent on their net income.

Mr. WATSON. Mr. Speaker, I will reply to the gentleman by saying there is nothing in this bill which affects in any way the jurisdiction of the Territorial legislature to tax railroads in Alaska.

Mr. STAFFORD. Why, here Congress is repealing—

Mr. WATSON. An act of Congress.

Mr. STAFFORD (continuing). An existing law which levies a license fee of \$100 per mile per annum on the railroads that are operating in Alaska.

Mr. WATSON. The gentleman will discover, upon reflection, that it repeals a prior act of Congress, and that the Territorial legislature never has had the right to levy taxes upon railroads in Alaska.

Mr. STAFFORD. But it will have power to provide that in five years—

Mr. WATSON. It will do it in 1917, but there is nothing in this act to prevent it.

Mr. STAFFORD. I appreciate the gentleman's view, of which I was not aware when I rose. Does the gentleman, then, contend, even if we exempt these railroads from taxation for the coming four years—I suppose one year has already passed—that at the expiration of that time the Territorial legislature will have the right to levy taxes on the railroads, and that they would have full authority to levy the rate—

Mr. WATSON. Unquestionably, Mr. Speaker.

Mr. WILLIS. Will the gentleman yield?

Mr. WATSON. Certainly.

Mr. WILLIS. Has the gentleman that enabling or organic act? If so, I would like to have the language on this subject just at this point.

Mr. WATSON. I will read it to the gentleman.

Mr. WILLIS. So we will see just what it says about the authority of the legislature to tax the railroads.

Mr. WATSON. The gentleman from Ohio desires to have the organic act?

Mr. WILLIS. Pertaining to the taxation of railroads.

Mr. WATSON. Touching the taxation of railroads by the Territorial Legislature?

Mr. WILLIS. Yes, sir.

Mr. WATSON. It reads as follows: The gentleman understands this is in a general clause:

No tax shall be levied for Territorial purposes in excess of 1 per cent upon the assessed valuation of property therein in any one year; nor shall any incorporated town or municipality levy any tax, for any purpose, in excess of 2 per cent of the assessed valuation of property within the town in any one year: *Provided*, That the Congress reserves the exclusive power from five years from the date of the approval of this act to fix and impose any tax or taxes upon railways or railway property in Alaska, and no acts or laws passed by the Legislature of Alaska providing for a county form of government therein shall have any force or effect until it shall be submitted to and approved by the affirmative action of Congress; and all laws passed, or attempted to be passed, by such legislature in said Territory inconsistent with the provisions of this section shall be null and void.

Mr. WILLIS. If this bill becomes a law at the end of the five-year period the legislature will have authority to tax the railroads in Alaska, and all this does is simply to change virtually the taxation of \$100 per mile per annum to 4 per cent on the net income for this five-year period?

Mr. WATSON. That is true.

Mr. STAFFORD. I can hardly agree with that statement, perhaps not in direct language, but there is nothing to limit the provision to the five-year period. Here you have language authorizing Congress to determine the tax so far as railroads are concerned for five years, and the tax by this bill is 4 per cent on their net income. Now, I think there ought to be some saving clause in this act so the Territorial legislature will know Congress is not attempting to arrogate to itself at the expiration of the five-year period the right to determine what the taxation policy should be toward its railroads.

Mr. WATSON. Mr. Speaker, so far as the taxation of railroads in Alaska is concerned, there is scarcely a possibility of the collection of these penalties which we undertake to release the railroads from the payment of under this bill. The truth of it is every country on the face of the earth except our own instead of taxing the railroads in pioneer conditions has actually given Government aid. We all know the railroads in Alaska have not made anything. There has been no profit in their operations. The truth of it is, with our system of conservation, we have placed the railroads in such a situation that it will be impossible for them to receive profits from their operations.

Mr. MANN. Will the gentleman yield for a question?

Mr. WATSON. Yes.

Mr. MANN. If there are no profits in the operation, what is the net annual income of a business which has no profits?

Mr. WATSON. Absolutely nothing, Mr. Speaker.

Mr. STAFFORD. Four times  $x$ —and  $x$  is an unknown quantity.

Mr. WILLIS. Four times zero.

Mr. MANN. And the only effect of this bill is to repeal the \$100 license. It does not really put any tax on anybody.

Mr. WATSON. I will say to the gentleman from Illinois that there are three railroads in Alaska that have defaulted in the payment of this tax. Under the provisions of the law of 1899, if a railroad undertakes to operate without the payment in advance of this tax, it incurs a penalty for the first day's operation of twice the amount of the tax, and for the second day's operation of three times, or treble, the amount of the tax; and the consequence is that there is one railroad, only 45 miles long, running from Fairbanks to the mines, which by operating during a portion of the year 1913 has incurred penalties approximating \$5,000,000.

Mr. MANN. Is that one of the roads we want?

Mr. WATSON. That is one of the roads we do not want.

Mr. STAFFORD. That road is going to be a feeder for the Government system.

Mr. WATSON. That will be a feeder to the system.

Mr. MANN. I am not in favor of the license law. We have had it up here half a dozen times. Does not the gentleman think a railroad ought to pay some tax?

Mr. WATSON. Mr. Speaker, if you could get blood out of turnips, I should say yes.

Mr. MANN. Do we not tax turnips, whether we collect the tax or not?

Mr. WATSON. We may tax them, but we do not collect the tax.

Mr. MANN. Do we collect the tax?

Mr. WATSON. I think not.

Mr. MANN. We had the House the other day in the frame of mind—and it will be in the same frame of mind soon again—that it wanted to collect a tax on the note overdue and which a man would not pay. It proposes to collect a nominal tax on it in the District of Columbia. That is on intangible property.

But here is tangible property. Ought not the railroads to pay something in the way of taxes anywhere?

Mr. WATSON. I can answer the gentleman from Illinois by suggesting this to him, that the moment the road begins to operate without paying the tax, it will incur the additional penalty to which I have referred. Now, three of these roads have already suspended operations.

Mr. MANN. The gentleman does not need to make any argument to me in favor of repealing the present license system.

Mr. WATSON. I was trying to answer the gentleman's question and to tell him that these roads in Alaska confront a very practical and a very critical condition. They have no profits, partly due to Government activity in that field. There is no prospect of their having any. To prescribe a nominal tax, which we all know would be unjust, because they could not pay it, as there are no profits, would serve no useful purpose.

Mr. MANN. I can remember when some of these bills under which these railroads were built were passed, and I said then in the House that men with good sense and money ought not, in my judgment, to invest in these railroads in Alaska, because it was perfectly evident they would not pay; but if men with money, whether they had good sense or not, were determined to invest in the railroads there and pay some tax on it, very well. Now, those men who had the money, having invested it there and having property there, want to have all taxation against them removed.

Mr. WATSON. Penalties, not taxation.

Mr. MANN. All taxes.

Mr. WATSON. No.

Mr. MANN. I beg the gentleman's pardon. Here is a bill that repeals all taxes against them except 4 per cent on the net annual income, and there is no net annual income, and will not be as long as they pay interest on their bonds, and can not be.

Mr. WATSON. I will say to the gentleman that the question as to whether we relieve the tax or not is a question which, I expect, will have to be adjudicated by the courts before it can be answered with certainty.

Mr. MANN. They do not pay taxes in any other way now except the license fee.

Mr. WATSON. They do this: They pay an income tax now of 1 per cent.

Mr. MANN. That is an income tax to the Government of the United States. That is not on the annual income, though.

Mr. WATSON. What is it on?

Mr. MANN. The gentleman will find that is apart from the operation. The net annual income would take out of it the interest on the bonds; but they do not take that out when it comes to the income tax.

Mr. CULLOP. Mr. Speaker, I would like to ask the gentleman from Illinois a question. If this bill would pass, would the effect of it be an inducement to these railroads to never have a net income?

Mr. MANN. I doubt whether they need any inducement. [Laughter.]

Mr. CULLOP. But if they could by good business management have a net income, would not this be an inducement for them to simply handle the earnings of the road so as to never have a net income? They could pay it out in officers' salaries and one thing and another so as to never have a net income to be taxed, and it would only be by legislation or the passage of a law that would enable the local government ever collecting any tax from them whatever.

Mr. BORLAND. Will the gentleman yield?

Mr. WATSON. With pleasure.

Mr. BORLAND. As I understand it, at the end of five years, in the act of 1912, the Territorial legislature will have plenary power to tax these railroads?

Mr. WATSON. That is true.

Mr. BORLAND. And this bill will have no effect except to relieve the situation during the time the Territorial legislature has jurisdiction over them?

Mr. MANN. I do not remember that provision. What is it?

Mr. WATSON. In the organic act.

Mr. MANN. You mean the act creating the Territorial legislature?

Mr. WATSON. The act creating the Territorial legislature says that until the lapse of five years it shall not have authority to levy a tax on railroads.

Mr. BORLAND. After five years they shall have plenary power.

Mr. MANN. I think they have the power to do it anyway. We have put a license fee upon them in lieu of all taxation. They would not have the power to put on any additional taxes.

Mr. WATSON. For Territorial purposes or local purposes; no. Mr. MANN. For any purpose.

Mr. WATSON. I think that would be so.

Mr. STAFFORD. Would not this act be supplemental to the enabling act, and would it not properly be considered as a determination by the Congress of the question of taxation of railroads as provided in the enabling act?

Mr. WATSON. Mr. Speaker, at the earnest solicitation of three governors of Alaska, at the request of the Territorial legislature, with the approval, after careful consideration, of the Secretary of the Interior, and in accordance with what I believe to be the views of the Department of Justice, your Committee on Territories has undertaken to deal, not with a theoretical question of taxation, but with the practical question of providing transportation in the Territory of Alaska. That is the whole object of this bill.

Mr. STAFFORD. I have no objection at all, and I do not think others here have any objection, to the provision that would relieve them of the penalty imposed for default in the payment of this tax; but I think it is a serious question whether we should adopt the policy of exempting the railroads of Alaska from taxation, and that is what this bill purposes in the present provision.

Now, there are certain railroads in Alaska—those of the Guggenheims and others—that have been paying this \$100 per mile franchise tax. They are able to pay it. If that is not the proper method, why not devise some method that would be proper for the payment of a tax by these railroads, and not exempt all these railroads from taxation for many years to come?

Mr. WATSON. The two railroads that are now paying the \$100 per mile tax will, in one instance, pay more and in another equally as much as it now pays under the present law.

Mr. STAFFORD. Does not the gentleman think it is a very heavy burden on the bondholders and stockholders of these six railroads in Alaska, which to-day may be defunct by reason of exploitation on the part of their backers, that the total sum each year for railroad taxes would be \$45,000? But you are exempting them entirely under the scope of your bill.

Mr. WATSON. Mr. Chairman, the two railroads that have operated in Alaska will continue to pay taxes, and probably pay more taxes than they do now. The White Pass & Yukon Railroad, which runs 20 miles in the Territory, will pay more under this bill than it has paid under the present law. As to the Guggenheim road, to which the gentleman refers, which runs from Cordova to the copper mines, we have no means of ascertaining certainly whether it will pay more or not. It is believed that the general freight traffic of that road does not pay any profit; but, inasmuch as its owners haul their own ores, the railroad, on the whole, is a profitable piece of property to them. But if they hauled somebody else's ore and not their own, the probabilities are that the rate of taxation here prescribed for the net income would amount to more than \$100 per annum per mile.

Now, those are the only two roads, Mr. Speaker, that continuously operate in Alaska. There is another road leading out from Fairbanks which has had an intermittent operation. The net profit during the last year, according to the statements issued, was about \$2,000. The gentleman will see that under the conditions which have existed in recent years in that Territory naturally there would be no profit. The prospect is that there will be no profit for that road for the incoming year. The other roads have suspended operations, one of them directly as the result of an attempt to collect this penalty.

Mr. BORLAND. Mr. Speaker, I ask for the regular order.

Mr. STAFFORD. Just before the gentleman does that, permit me to say that from my reading of this bill I think there should be some provision inserted that will make it certain that this will not overcome or supersede the provision in the enabling act granting to the Territorial legislature the authority and right to levy a tax four years hence. I will suggest that the gentleman ask unanimous consent to have this bill go over for two weeks without prejudice, so that I can examine the enabling act and prepare the amendment.

Mr. WATSON. If the gentleman will allow me, I want to say to him that if he will reflect for a moment he will realize that no matter what authority may be delegated to the Territorial legislature in Alaska, Congress can always repossess itself of it.

Mr. STAFFORD. That is the very purpose of this amendment—to make it clear that we are not superseding that original provision.

Mr. WATSON. Surely the gentleman can not suppose that the Congress, in enacting this bill, is stripping itself of any authority?

Mr. STAFFORD. No; but Congress moves very slowly in the matter of the taxation of railroads in Alaska. When we once adopt a policy, we are not likely to change it.

Mr. WATSON. This is intended to provide for a very critical and temporary emergency in Alaska. I would not appeal to the gentleman personally, but on patriotic grounds I would appeal to him not to object.

Mr. STAFFORD. It will be only two weeks before it will come up again.

Mr. WATSON. If this goes over for two weeks, a Mexican war may be upon us by that time.

Mr. MANN. The gentleman can call it up on a Wednesday when the committee is reached.

Mr. STAFFORD. We will likely be here until August or September, anyway.

Mr. MANN. The gentleman can call it up on the Wednesday call.

Mr. WICKERSHAM. We will not reach it.

Mr. WATSON. We will not reach it in a long time.

Mr. MANN. That is not the fault of this side of the House. That side of the House put in a buffer, to allow no more Calendar Wednesday business to be transacted.

Mr. STAFFORD. I suggest to the gentleman that he ask unanimous consent to let it go over without prejudice, so that we can look it up.

Mr. BORLAND. Mr. Speaker, I call for the regular order.

Mr. STAFFORD. If the gentleman does not wish to have it passed over, I will have to object.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin objects. The bill will be stricken from the calendar, and the Clerk will call the next bill.

#### IOWA INDIANS OF OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13519) for the relief of the Iowa Indians of Oklahoma.

The bill was read, as follows:

*Be it enacted, etc.* That jurisdiction is hereby conferred upon the Court of Claims to hear and determine and render judgment in all claims of the tribe of Iowa Indians of Oklahoma against the United States, with the right of appeal by either party to the Supreme Court of the United States for the determination of the amount, if any, which may be legally or equitably due said tribe of Indians under any treaties or laws of Congress or under unexecuted stipulations or agreements between the representatives of the United States and said tribe of Indians, or for the failure of the United States to pay any money which may be legally or equitably due said tribe of Indians. A petition in behalf of said Indians shall be filed in the Court of Claims within one year after the passage of this act, and the Iowa Tribe of Indians shall be the party plaintiff and the United States the party defendant, and the petition may be verified by the attorney employed by the said Iowa Tribe of Indians, to prosecute their claim under this act, under any contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, as provided by law, upon information and belief as to the facts alleged in said petition. Upon the final determination of the cause the Court of Claims shall decree such fees as the court shall find to be reasonably due to be paid to the attorney or attorneys employed by said tribe of Indians, and the same shall be paid out of any sum or sums of money found due said Iowa Tribe of Indians: *Provided*, That in no case shall the fees decreed by said court be in excess of the amount stipulated in the approved contract: *Provided further*, That all necessary expenses attending the securing of evidence and prosecuting said case shall be paid by the Secretary of the Treasury out of any judgment obtained in favor of said Indians upon an itemized account of said expenses.

Mr. WATSON. Mr. Speaker, with the consent of the gentleman from Wisconsin [Mr. STAFFORD], I want to ask unanimous consent that calendar No. 105, the Alaska bill, which was objected to just now, be put on the calendar and not lose its place.

Mr. MANN. I shall object. I stated before that I would have to object to that when a bill has been upon the Unanimous Consent Calendar only once.

The SPEAKER. Is there objection to the present consideration of the bill just reported?

Mr. MANN. Reserving the right to object, I notice that last year the committee, instead of reporting this bill favorably, recommended that it be referred to the Court of Claims for a finding of facts. This year the committee report the bill. Have they secured any additional facts beyond what they had last year?

Mr. MURRAY of Oklahoma. I understood that this bill was reported once before, but that it went off on an objection in a former Congress. As to what was done in the past Congress I can not say that I know.

Mr. MANN. In the last Congress the bill was introduced, and then the committee reported House resolution 773 for the purpose of referring the bill to the Court of Claims under the Tucker Act for a finding of facts. That did not pass. This year without any finding of facts and without any additional infor-

mation, so far as the report discloses, they reported in the bill. Does the gentleman recall how much is involved?

Mr. MURRAY of Oklahoma. Yes; I will state that these Indians had a total of 207,000 acres of land. They allotted 8,000 acres; 12,000 acres were cut out for schools in Oklahoma, and 20 acres for common use. These Indians are seeking to get the difference between 38 cents an acre and the \$1.25 an acre received by all the other tribes.

Mr. MANN. We passed a bill to-day involving two or three million dollars, to be paid to some Indians to whom we did not owe anything. An objection was made to another bill that proposed to pay all the way from \$3,000,000 to \$10,000,000 to some other Indians to whom we did not owe anything. Now, here is a bill to pay the difference between 38 cents, which we paid under an agreement, and the \$1.25 which the Indians now think we ought to have been willing to pay. Nobody claims that we owe them anything.

Mr. MURRAY of Oklahoma. I will state for the benefit of the gentleman that this tribe of Indians were the most docile of any of the prairie tribes. When the Government got ready to break up Oklahoma Territory and open it to settlement they naturally went to the Indians with whom they could reach an agreement most quickly. They went to the Iowa Tribe of Indians. The gentleman will remember that there are two tribes, one in Kansas and Nebraska and the other in Oklahoma, and they made a trade with the Indians, to give them 80 acres apiece for allotments, with the provision that they would buy the remaining land for 38 cents an acre, and with the further understanding "if the United States gives any other tribe any more, the United States will give the same amount to you."

They went across the river, to the adjoining lands of the Pawnees, and gave them 160 acres each for allotments instead of 80 acres, as in the case of the Iowas. They used the treaty with the Iowas to prise down the Pawnees and got their land for \$1.25 an acre. They went to the Kickapoos and made a trade with them, and gave them 40 cents an acre and allotments of 160 acres. Then Congress later paid the Kickapoos the difference between 40 cents and \$1.25. Then the commissioners went to the Sacs and Foxes, in the same county, and gave them \$1.25 an acre and an allotment of 160 acres each. This tribe of Iowa Indians was used by the Government to make all of these various trades, and they got no more than 80 acres each. Their land was along the river, and the land allotted to the chief of that tribe, I understand, for the most part was washed away and covered up by white sand. They claim that the Government ought to be just with them and give them the difference between 38 cents an acre and \$1.25 an acre, which the other Indians receive.

Mr. MANN. Now, here is the fact of it: The Government sent a commission to them—

Mr. MURRAY of Oklahoma. Yes.

Mr. MANN. That commission went to these Indians and agreed to pay them 38 cents an acre for the unallotted lands.

Mr. MURRAY of Oklahoma. Yes.

Mr. MANN. According to the statement of the Indians these same men agreed to give them as much as they gave to any other Indians.

Mr. MURRAY of Oklahoma. Yes.

Mr. MANN. And then on the same trip, immediately across the river, and in bad faith, acting as consummate liars, they gave the other Indians \$1.25 an acre.

Mr. MURRAY of Oklahoma. You might call it that.

Mr. MANN. If the claim of the Indians is correct, that is what they did; but I am not willing to assume, just because some aged Indians now think they did not get enough money a generation or two ago, that the men who dealt with them were all consummate liars, engaged in perpetrating a deliberate fraud upon these Indians.

Mr. MURRAY of Oklahoma. I think they call it diplomacy.

Mr. STAFFORD. Will the gentleman yield?

Mr. MURRAY of Oklahoma. Yes.

Mr. STAFFORD. Does not the report also show that the other bands are not on all fours, in that the Iowa Band, when transferred from Nebraska to this reservation in the Indian Territory, were not given absolute fee-simple title, but the Government reserved the right to locate on that reservation any other Indians they saw fit?

Mr. MURRAY of Oklahoma. That is true.

Mr. STAFFORD. As to the Kickapoos, they had absolute title, and as the former Assistant Secretary states in his report on a similar bill:

In view of the above facts it does not appear to the department that the Iowa Tribe in Oklahoma has any valid claim against the United States in relation to the agreement of May 20, 1890.

Is it not highly probable that these three commissioners took that into consideration in allowing only 80 acres to this tribe?

Mr. MURRAY of Oklahoma. What the gentleman says about the fee-simple title is true of the Kansas Indians and is true of all the tribes.

Mr. STAFFORD. I challenge that.

Mr. MURRAY of Oklahoma. The Five Civilized Tribes were the only tribes that had the title in fee simple. The Kickapoos in Kansas never got any fee-simple title.

Mr. MANN. The commissioners who represented the United States are now dead, I think; all of them.

Mr. MURRAY of Oklahoma. I do not know.

Mr. MANN. Does the gentleman think there would be any difficulty on the part of any real, lively Indian claim agent or attorney in proving any kind of an oral agreement that he wanted to by aged people now on the other side when the men on our side are all dead and it being impossible to call them as witnesses?

Mr. MURRAY of Oklahoma. No; I will state that the record, as I understand, will show sufficient to prove the claims of these Indians. They will be supported by oral testimony, the testimony of a man who has just gone out of office, a United States attorney, not an attorney in this case, who has nothing to do with the case, but he will prove a connecting link between the Government and the Indians sufficient to make out a case.

Mr. CULLOP. Will the gentleman yield?

Mr. MURRAY of Oklahoma. Yes.

Mr. CULLOP. I would like to call attention to some language in the bill, line 8, beginning at the word "which"—

Which may be legally or equitably due said tribe of Indians under any treaty or laws of Congress or under any stipulations or agreements, whether written or oral—

Mr. MURRAY of Oklahoma. Read on.

Mr. CULLOP (reading):

Entered into between said tribe of Indians and the United States or its authorized representatives—

Now, then, that would leave it, if these agents of the United States are dead, open for anyone to come in and set up an oral agreement about which there might be the greatest kind of a dispute and open the door for the greatest kind of fraud. You are letting this rest on the recollection or the memory of some individual to come in and say whether he has a claim against the United States Government or not.

Mr. MURRAY of Oklahoma. No; not individually. It will be the whole tribe.

Mr. CULLOP. You are leaving it to recollection. Years have elapsed, and yet you allow these men to come in and give their recollection of what was said years and years ago. With that language in the bill I do not think the gentleman should insist upon it.

Mr. MURRAY of Oklahoma. If the gentleman thinks that language should go out, I will agree to it.

Mr. CULLOP. The word "oral" should be stricken out and not allow a matter of this importance to rest on what took place 20 or 25 years ago.

Mr. MURRAY of Oklahoma. The Indians do not claim that they will prove their case by oral testimony. The oral testimony will be incidental to the record.

Mr. CULLOP. But that is not this proposition.

Mr. MURRAY of Oklahoma. Well, I am willing that it be stricken out.

Mr. CULLOP. On this proposition they could come in and base their case on some oral agreement that they claimed took place between the Indian tribe and some representative of the Government. It certainly would not be wise legislation to pass an act which would open the door to so many abuses as this would.

Mr. STAFFORD. Will the gentleman yield?

Mr. MURRAY of Oklahoma. Yes.

Mr. STAFFORD. In the interim when this bill is next considered I wish to direct the gentleman's attention to what I stated of the other tribes, that they had a better title to the lands, as will be found on page 6, which reads as follows:

The Sac and Fox own the reservation without question under the treaty, they having by treaty bought and paid for it.

Does not that fact show, so far as the Iowa Indians are concerned—

Mr. MURRAY of Oklahoma. The gentleman may know more about Oklahoma Territory than I do.

Mr. STAFFORD. Oh, no; nothing of the sort. I know only what is contained in this report.

Mr. MURRAY of Oklahoma. Let me tell the gentleman the truth about it. All of the Oklahoma Territory, with the exception of the strip known as Beaver County, or No Man's Land,

between Kansas and Texas, originally was bought and paid for and a fee-simple title given to each of the Five Civilized Tribes. That was the northwest territory, similar to the northwest territory under all of the thirteen Colonies. The Government made an agreement with the Five Civilized Tribes to settle tribes on the land and not a single one owned the title to it. The Government made a treaty with the Five Civilized Tribes, first, by which they agreed that they might be opened up to settlement, and then they in return made an agreement to reserve allotments to the various little tribes, totaling about 16,000 individuals. That is true about every one of them. None of them under it ever took a fee-simple title and they never paid the Five Civilized Tribes for it.

Mr. MANN. Mr. Speaker, I think this bill will have to have more debate than it can well receive under conditions surrounding the Unanimous Consent Calendar, and I object.

Mr. MURRAY of Oklahoma. Will the gentleman allow it to go over without prejudice?

Mr. MANN. What is the use?

Mr. MURRAY of Oklahoma. The gentleman is so fair.

Mr. MANN. If the gentleman says that to me twice I will object. I do not pretend to have any element of fairness. If I did, I would insist on its going off the calendar.

Mr. MURRAY of Oklahoma. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. Is there objection?

There was no objection.

GORDON W. NELSON.

Mr. CHANDLER of New York. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. CHANDLER of New York. Mr. Speaker, I rise to ask unanimous consent to take from the Speaker's table Senate bill 5445 and substitute it for House bill 7781. The Senate bill was passed by the Senate this morning and House bill 7781 was reported unanimously from the Committee on Immigration of the House a few days ago and is now on the Private Calendar. The necessity for action at this time is simply this: These bills are identical and look to the relief of Gordon W. Nelson, a midshipman at Annapolis. Nelson entered the Naval Academy in 1910, an alien. The law as it existed at that time provided for a six years' course, four years at the academy and two years at sea. It is perfectly legal, according to the advice we have, to have an alien midshipman in the Navy, but it was against the law then and it is against the law now to have an alien commissioned, and in 1912 the law was changed so as to provide a course of four years instead of six. Nelson, not knowing anything of the passage of the law, took no steps toward naturalizing himself, and when the law of 1912 was passed sufficient time was not allowed before his graduation in 1914 for him to naturalize himself. He can not be commissioned without a special act of Congress, and this bill is to authorize the President to commission him an ensign conditionally. This bill provides for a conditional commission to be granted by the President, by and with the advice and consent of the Senate, and that he shall graduate and receive his commission as ensign in 1914, conditioned upon the fact that he completes naturalization on or before January 1, 1915.

The SPEAKER. Let us see what the parliamentary status of this is. This has passed the Senate?

Mr. CHANDLER of New York. To-day.

The SPEAKER. And the House committee has reported an identical bill.

Mr. CHANDLER of New York. Yes, sir.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table Senate bill 5445 and substitute it for H. R. 7781.

Mr. MANN. For consideration is the request of the gentleman.

The SPEAKER. For consideration, a similar bill being reported on the calendar. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

A bill (S. 5445) for the relief of Gordon W. Nelson.

Be it enacted, etc., That the President be, and he is hereby, authorized to commission, by and with the advice and consent of the Senate, Gordon W. Nelson an ensign in the United States Navy on the date of his graduation after the four years' course at the Naval Academy, to take rank as an ensign with the other members of his class according to their standing as determined by their final multiples for the four years' course at the Naval Academy: *Provided*, That unless the said Gordon W. Nelson becomes a citizen of the United States on or before January 1, 1915, he shall on said date cease to be an officer of the Navy.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the House bill will lie on the table.

There was no objection.

On motion of Mr. CHANDLER of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had this day presented to the President for his approval bills of the following titles:

H. R. 3468. An act for the relief of the heirs of the late Samuel H. Donaldson; and

H. R. 2314. An act for the relief of Allen Edward O'Toole and others, who sustained damage by reason of accident at Rock Island Arsenal.

#### CLERICAL ASSISTANTS FOR THE VOCATIONAL EDUCATION COMMISSION.

Mr. HUGHES of Georgia. Mr. Speaker, I ask unanimous consent to call up Senate joint resolution 142 for immediate action, and I hope there will be no objection.

The SPEAKER. What is the number on the calendar?

Mr. HUGHES of Georgia. It is a joint resolution authorizing the Vocational Education Commission to employ stenographers and clerks.

The SPEAKER. What is the number on the calendar?

Mr. HUGHES of Georgia. On the Union Calendar the number is 188, on the Unanimous Consent Calendar 141, and it is Senate joint resolution 142.

The SPEAKER. The Clerk will report the resolution.

Mr. HARDY. Mr. Speaker, I would like to know, for I have been waiting to find out, if we are going to depart from the regular order in regard to the calling of bills on the Unanimous Consent Calendar?

The SPEAKER. We are not, except in cases where there are matters of emergency. The bill just passed, unless it is passed now, is no good, and this joint resolution is to pay people money for which the Chair understands they are suffering, and they ought to have it.

Mr. HUGHES of Georgia. Mr. Speaker, it is an emergency measure, I will state to my friend, and I hope he will not object to it.

Mr. HARDY. I will not object.

Mr. MANN. Mr. Speaker, reserving the right to object, I do not know whether that point is reached yet.

The SPEAKER. No; it has not been reached yet. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 142) authorizing the Vocational Education Commission to employ such stenographic and clerical assistants as may be necessary, etc.

Resolved, etc., That the commission to consider the need and report a plan for national aid to vocational education provided for in the joint resolution approved January 20, 1914, is furthermore authorized to employ such stenographic and clerical assistants, and to have printed such of the testimony taken before the commission and reports of the commission, as the commission may deem advisable, the total expenditures of said commission not in any event to exceed the amount of \$15,000 heretofore appropriated for the expense of said commission.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I believe this bill is on the Unanimous Consent Calendar lower down?

Mr. HUGHES of Georgia. Yes, sir; it is.

Mr. MANN. If this bill should be considered now, might I ask my friend from Alabama if he intends to move that the House adjourn?

Mr. UNDERWOOD. I will state to the gentleman from Illinois I was waiting on the patience of the House, but I would like to submit this proposition to the gentleman from Illinois and the House: There is a bill here in reference to the election of United States Senators by the people, and I think it is quite important that it should get through. It is a Senate matter and relates to their people, and I would like to have an opportunity for the gentleman from Missouri to call it up this afternoon, if there is no serious objection.

Mr. MANN. That would not be possible for this reason: We had the other day on the Wednesday Calendar quite a contest as to whether we would blockade the entire calendar. We on our side of the House opposed that, but I will not put the responsibility upon the gentleman from Georgia [Mr. BARTLETT], who, I think, if I am not mistaken, openly stated in the House that he wanted to prevent the consideration of the bill to which the gentleman from Alabama now refers, and I would not be willing to have that done in his absence.

Mr. ANDERSON. Mr. Speaker, if the gentleman will permit, there is on this entire calendar only one little bridge bill, in which two gentlemen from Missouri are interested [laughter]—

The SPEAKER. Let us get rid of this thing first.

Mr. RUCKER. Mr. Speaker, I hope the gentleman from Illinois will not make any objection to this.

Mr. MANN. I would not be willing to take advantage of the House, when there is such a small number here, on a bill of that kind. I think the bill ought to pass, however, I will say to the gentleman.

Mr. RUCKER. If there was any objection to the bill, I would not bring it up, but I do not think there is any objection to it.

Mr. MANN. The gentleman knows there was quite an objection here the other day, and when we had a roll call, the issue being whether a bill should be considered or not or whether we preferred to go ahead and block the calendar with the codification bill, the majority of the House preferred to block the calendar and prevent that bill from being reached.

Mr. RUCKER. But a great many Members came in while the roll was being called and did not know what the issue was.

Mr. MANN. I was not responsible for that. I tried my best to tell them what the issue was.

The SPEAKER. The gentleman from Georgia [Mr. HUGHES] has a resolution. Is there objection to its consideration?

Mr. MANN. Mr. Speaker, I am not going to object if we are not going ahead with the rest of the calendar.

Mr. UNDERWOOD. The gentleman from Illinois [Mr. MANN] realizes, of course, it is too late to send for a quorum, and if he desires to raise the question of no quorum—

Mr. MANN. That is another question. I do not object to this on that account.

Mr. UNDERWOOD. The gentleman from Missouri [Mr. RUCKER] wants to be given leave to print, I understand. That is all there is—

The SPEAKER. Is there objection to the consideration of the resolution of the gentleman from Georgia [Mr. HUGHES]? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 142) authorizing the Vocational Education Commission to employ such stenographic and clerical assistants as may be necessary, etc.

Resolved, etc., That the commission to consider the need and report a plan for national aid to vocational education provided for in the joint resolution approved January 20, 1914, is furthermore authorized to employ such stenographic and clerical assistants, and to have printed such of the testimony taken before the commission and reports of the commission, as the commission may deem advisable, the total expenditures of said commission not in any event to exceed the amount of \$15,000 heretofore appropriated for the expenses of said commission.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The resolution was read a third time; and having been read a third time was passed.

On motion of Mr. HUGHES of Georgia, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

Mr. RUCKER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum, and, evidently, there is not.

#### ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 48 minutes p. m.) the House adjourned until Tuesday, May 5, 1914, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of communication of the Attorney General submitting a supplemental estimate of appropriation in the sum of \$14,675 for rent of court rooms, United States courts, for the fiscal year ending June 30, 1915 (H. Doc. No. 909); to the Committee on Appropriations and ordered to be printed.

### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ANSBERRY, from the Committee on Ways and Means, to which was referred the bill (H. R. 6433) to relocate the headquarters of the customs district of Florida, reported the same without amendment, accompanied by a report (No. 613), which said bill and report were referred to the House Calendar.

Mr. LEWIS of Maryland, from the Committee on War Claims, to which was referred the bill (H. R. 9628) to refund to the corporate authorities of Frederick City, Md., the sum of \$200,000 exacted of them by the Confederate Army under Gen. Jubal Early, July 9, 1864, under penalty of burning said city, reported the same with amendment, accompanied by a report (No. 614), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLOYD of Arkansas, from the Committee on the Judiciary, to which was referred the bill (H. R. 2167) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 615), which said bill and report were referred to the House Calendar.

### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5535) granting a pension to Eliza J. Gay; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14568) granting an increase of pension to L. R. Clayton; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14874) granting a pension to Carson E. Newhard; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15943) granting a pension to William M. Wilson; Committee on Invalid Pension discharged, and referred to the Committee on Pensions.

### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DAVENPORT: A bill (H. R. 16264) to provide for the erection of a public building at Pawnee, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 16265) to require the carriers of passengers for hire to establish an interstate rate which shall not exceed the combination of local rates; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16266) to provide for the erection of a public building at Pawhuska, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. KEATING: A bill (H. R. 16267) providing for the retirement of certain officers who have served in the Philippine Scouts; to the Committee on Military Affairs.

By Mr. TAGGART: A bill (H. R. 16268) for the remodeling, alteration, and repair of the post-office building at Fort Scott, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. SPARKMAN: A bill (H. R. 16269) to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and the Straits of Florida, outside of State jurisdiction; the landing, delivering, curing, selling, or possession of the same; providing means of enforcement of the same, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. FREAR: Concurrent resolution (H. Con. Res. 38) directing the Interstate Commerce Commission to investigate river and harbor improvements and to report thereon; to the Committee on Rivers and Harbors.

By Mr. FOSTER: Joint resolution (H. J. Res. 260) authorizing the Joint Committee on Printing to have printed 2,000 copies of the hearings on the Colorado coal strike before the subcommittee of the Committee on Mines and Mining; to the Committee on Printing.

By Mr. AINEY: Resolution (H. Res. 502) authorizing and directing the Committee on Foreign Affairs, or a subcommittee thereof, to inquire, investigate, and ascertain and report whether any persons, associations, or corporations domiciled or owing allegiance to the United States have heretofore been or

are now engaged in fomenting, inciting, encouraging, or financing any rebellion, insurrection, or other flagrant belligerent disorder in Mexico; to the Committee on Foreign Affairs.

### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 16270) granting an increase of pension to Harriet J. Bromwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16271) granting an increase of pension to Nancy Gould; to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 16272) granting an increase of pension to Martha Allison; to the Committee on Pensions.

Also, a bill (H. R. 16273) granting an increase of pension to Eliza Ann McDonald; to the Committee on Pensions.

Also, a bill (H. R. 16274) granting an increase of pension to Mary E. Nickelson; to the Committee on Pensions.

Also, a bill (H. R. 16275) granting an increase of pension to Sarah Jane Smith; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 16276) granting an increase of pension to John T. Hetherlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16277) granting an increase of pension to Daniel Williams; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 16278) granting a pension to Adelaide Doty; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 16279) granting an increase of pension to Benjamin F. Coplen; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 16280) granting a pension to Margaret L. Estep; to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 16281) for the relief of John L. Seargeant; to the Committee on War Claims.

By Mr. KENNEDY of Connecticut: A bill (H. R. 16282) granting an increase of pension to Marieta Parks Silvernail; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 16283) granting a pension to Martha L. Rummell; to the Committee on Pensions.

Also, a bill (H. R. 16284) granting an increase of pension to Levi M. Dort; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 16285) granting a pension to Andrew J. Haslam; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 16286) granting a pension to Lillie Guffey; to the Committee on Pensions.

Also, a bill (H. R. 16287) granting a pension to Samp Huddleston; to the Committee on Pensions.

Also, a bill (H. R. 16288) granting a pension to Iven Sawyers; to the Committee on Pensions.

Also, a bill (H. R. 16289) granting an increase of pension to Elizabeth R. Stephens; to the Committee on Pensions.

Also, a bill (H. R. 16290) for the relief of the estate of McKenza Smallwood, deceased; to the Committee on War Claims.

By Mr. RAINEY: A bill (H. R. 16291) granting an increase of pension to Richard B. Winn; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 16292) granting a pension to George A. Stanberry; to the Committee on Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16293) granting an increase of pension to Orrin J. Wells; to the Committee on Invalid Pensions.

### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of sundry citizens of Chicago, Ill., Gardiner, Me., and Fort Hall, Idaho, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request) memorial of the Gloversville (N. Y.) Socialist Party, protesting against the Colorado strike outrages; to the Committee on the Judiciary.

By Mr. AINEY: Petition of 41 citizens of Meshoppen, 15 citizens of Tunkhannock, and 12 citizens of Brandt, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Wayne County, Pa., against national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Evidence to accompany House bill 15877, for the relief of David Lewis; to the Committee on Invalid Pensions.

By Mr. BAILEY: Petition of the Hardware Merchants and Manufacturers' Association of Philadelphia, Pa., protesting against amending the Sherman law; to the Committee on the Judiciary.

Also, petition of sundry bankers of Altoona, Pa., protesting against the reduction of the appropriation for the Federal Children's Bureau; to the Committee on Appropriations.

Also, memorial of the Erie (Pa.) Foundrymen's Association, relative to extending time for passage of bills regulating interstate business; to the Committee on the Judiciary.

Also (by request), petitions of D. D. Kauffman, H. E. Barton, Garfield Wilkins, Cecil Mitchell, M. B. Cowke, H. L. Densmore, J. L. Brown, L. Smale, E. M. Smale, Elery T. Grim, D. C. Miller, H. L. Gregg, W. L. Thompson, Eli Stein, Sam Stein, Charles Cronemiller, C. R. Black, Levi Spangler, Richard Rowley, C. H. Witherow, John Catherwood, J. G. Kuhmley, L. S. Bell, Joseph Kelsall, Patrick Lynch, J. D. Blair, William Bloom, William Sanford, James White, Joseph Hughes, M. C. Cronemiller, C. H. Nerdigh, S. Edmiston, T. J. Crooks, T. E. Cartwright, C. L. Kelly, F. W. Merrelly, W. F. Shoff, John O'Brien, C. Heist, W. I. Lupold, W. A. Coder, George Chapman, A. R. Thompson, E. C. Brown, S. C. Benson, W. F. Copp, F. C. McClure, J. R. Cornelius, Charles Heist, John Hodge, jr., William Monteith, John A. Gunn, D. P. Conrad, William R. Hinter, Thomas Powell, John O'Brien, C. C. Greninger, Carl W. Vetell, C. L. Forsberg, Olaf Anderson, Gottfried Auderman, Straessk Johnson, Charles Anderson, G. Dahlof, Andrew Goldberg, John Johnson, Carl Borgerson, F. J. Anderson, John Corlberg, Charles Colberg, Nick Carlas, Theodore Johnson, John A. Johnson, Christopher Johnson, William Bloom, A. Swedeberg, J. E. Johnson, L. Bloomberg, Peter Johnson, Arthur Peterson, all of Patton, Pa., for passage of House joint resolution 168, relative to national prohibition.

By Mr. BAKER: Petition of the National Woman's Christian Temperance Union, of Dividing Creek, N. J., favoring Sims amendment to House bill 27878, relative to closing gates of Panama Exposition on Sunday; to the Committee on Interstate and Foreign Commerce.

Also, petition of various voting citizens of Palmyra, Sea Isle City, and the First Baptist Church of Newport, all in the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BARNHART: Petition of the First Methodist Church of Wakarusa, Ind., and Bethel Evangelical Church and the Riverside Christian Church, of Elkhart, Ind., favoring the passage of the Smith-Hughes bill to establish Federal censorship of motion pictures; to the Committee on Education.

Also, petition of sundry citizens of Elkhart, Plymouth, North Judson, Grovertown, Hamlet, Knox, Michigan City, and Goshen, all in the State of Indiana, protesting against the passage of any prohibition legislation; to the Committee on the Judiciary.

Also, petition of sundry citizens of Fulton, Kosciusko, Pulaski, and Marshall Counties, and Grasscreek and Culver, all in the State of Indiana, favoring the passage of an amendment to the Constitution for national prohibition; to the Committee on the Judiciary.

By Mr. BROWN of New York: Petition of the Baptist Church of Huntington; various voters of Jamesport, Freeport, Riverhead, Hempstead, and Smithtown; and the Woman's Christian Temperance Union of Port Jefferson, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Southampton, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CANTOR: Petition of 50 voters of the twentieth New York congressional district, against passage of Hobson-Sheppard-Works resolutions; to the Committee on the Judiciary.

By Mr. CARY: Petition of sundry citizens of Milwaukee, Wis., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Dohl & Busse, of Milwaukee, Wis., against House bill 11321, relative to stove and furnace repair business; to the Committee on Patents.

Also, petition of J. I. Hooper, of Janesville, Wis., against appropriation for national library for the blind at Washington, D. C.; to the Committee on Appropriations.

By Mr. CURRY: Petition of 873 citizens of Sacramento, Cal., against national prohibition; to the Committee on the Judiciary.

By Mr. DALE: Petition of sundry citizens of Massachusetts, thanking the administration for efforts in trying to prevent war with Mexico; to the Committee on Foreign Affairs.

Also, petition of Hebrew-American Typographical Union, No. 88, favoring amendment to the Sherman antitrust law; to the Committee on the Judiciary.

By Mr. DERSHEM: Petitions of sundry citizens of Willow Hill, Concord, and Dry Run, and 44 citizens of Lewisburg, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DONOVAN: Petition of the Wives and Sisters of American Boys of Hartford, Conn., indorsing President's policy of mediation with Mexico; to the Committee on Foreign Affairs.

By Mr. ESCH: Memorial of sundry citizens of Massachusetts, approving position taken by the President relative to Mexico; to the Committee on Foreign Affairs.

Also, papers in support of a bill (H. R. 16219) granting an increase of pension to Francis Thompson; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: Petition of the Chicago Post Office Clerks' Union, No. 1, National Federation of Post Office Clerks, relative to reduction of night work; to the Committee on the Post Office and Post Roads.

By Mr. GREGG: Petition of sundry citizens of the seventh congressional district of Texas, against national prohibition; to the Committee on the Judiciary.

By Mr. HAWLEY: Petitions of T. A. Livesley & Co., of Salem, and sundry citizens of Hubbard and Portland, all in the State of Oregon, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. IGOE: Petitions of the St. Louis Hardware & Manufacturing Co., the Campbell Iron Co., and Glass Bottle Blowers' Branch No. 5, of St. Louis, all in the State of Missouri, protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Central Trades and Labor Union of St. Louis, Mo., favoring the passage of the Palmer bill relative to lessening the hours of night work of the post-office clerks; to the Committee on the Post Office and Post Roads.

Also, petition of William Volkes & Co., of Kansas City, Mo., favoring passage of House bill 14328, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

By Mr. KEATING: Petitions of various voters of the first congressional district of Colorado, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LEE of Georgia: Papers to accompany House bill 16004; to the Committee on Pensions.

By Mr. LEWIS of Pennsylvania: Memorial of the Erie (Pa.) Foundrymen's Association, relative to time for consideration of bills to regulate interstate business; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of the Equal Franchise League of New Canaan, Conn., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. McCLELLAN: Petition of 110 voters of the twenty-seventh New York congressional district, against passage of Hobson-Sheppard-Works resolutions; to the Committee on the Judiciary.

Also, petition of 50 voters of the twenty-seventh congressional district of New York, against passage of Hobson-Sheppard-Works resolutions; to the Committee on the Judiciary.

Also, petition of sundry citizens of Cobleskill, Prattsville, East Chatham, Hensonville, and Cairo; the Methodist Episcopal Church of Cairo; the Wesleyan Methodist Episcopal Church, of Saugerties; 13 citizens of Sloanville; 7 citizens of Emporium; 102 citizens of Charlotteville; and Mrs. C. M. Harcourt, of New Paltz, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MCKENZIE: Petition of the Woman's Relief Corps of Sterling, Ill., against change in United States flag; to the Committee on the Judiciary.

By Mr. MADDEN: Petition of the National Shoe Wholesale Association, protesting against extension of the parcel-post service; to the Committee on the Post Office and Post Roads.

Also, petition of sundry voters of the State of Illinois, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MERRITT: Petition of 65 voters of the thirty-first congressional district of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MURRAY of Oklahoma: Petition of the Congregational Church of Oklahoma City, Okla., and citizens of Stiglar, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PAYNE: Petition of various voters of Seneca County, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAINEY: Petition of various business men of Illinois, favoring anticoupon bill; to the Committee on Ways and Means.

By Mr. RAKER: Resolutions of the city of Berkeley, Cal., favoring Senate bill No. 3677, providing for the granting of a right of way for a suspension bridge across San Francisco Bay; to the Committee on Interstate and Foreign Commerce.

Also, letter from the committee on public policy and legislation of the Los Angeles County Medical Association, favoring House bill 12292, the Federal child-labor bill; to the Committee on Labor.

Also, letters from F. A. Cline, of El Portal, Cal., and Ed Walsh, of Altaville, Cal., protesting against the passage of House joint resolution 168, relative to national prohibition; to the Committee on the Judiciary.

Also, letter from the California Club, of San Francisco, Cal., favoring the appropriation of \$165,000 for the Child Labor Bureau; to the Committee on Appropriations.

By Mr. REED: Petitions of Odias Routhier and 80 others, of Derry; Frank A. Porter and 2 others, of Windham; G. A. Greeley, of Londonderry; and George A. Dalbor, of Chester, all in the State of New Hampshire, opposing national prohibition of the liquor traffic; to the Committee on the Judiciary.

By Mr. SCOTT: Petition of the Woman's Christian Temperance Union of Hornick, Iowa, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition from 9,000 voters of the fourteenth congressional district of Texas, protesting against the passage of resolutions providing for an amendment to the Constitution prohibiting the manufacture and sale of intoxicants in the United States; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petition of sundry citizens of the State of California, protesting against the passage of the Sunday-observance bill; to the Committee on the District of Columbia.

Also, memorial of the council of Berkeley, Cal., relative to construction of a suspension bridge across San Francisco Bay; to the Committee on Interstate and Foreign Commerce.

Also, petition of the chairman of the committee on public policy and legislation of the Los Angeles County Medical Association, favoring the Federal child-labor bill (H. R. 12292); to the Committee on Labor.

Also, petition of sundry citizens of Los Angeles, Cal., favoring passage of the Bartlett-Bacon bill (H. R. 1873); to the Committee on the Judiciary.

By Mr. TAVENNER: Petition of Ed. H. Dunavin, Company A, Sixth Infantry, Illinois National Guard, favoring passage of National Guard pay bill; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: Petition of the Nathaniel Lyon Woman's Relief Corps, of Boulder, Colo., protesting against any change in the present design of our flag; to the Committee on the Judiciary.

By Mr. TEN EYCK (by request): Petition of Fred S. Green, Alfred Bawdine, Thomas E. Horan, Charles A. Rogers, G. H. Daury, and Charles C. Russel, voters of Troy, N. Y., in favor of the Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

By Mr. TREADWAY: Memorial of various members of Emmanuel Parish, Shelburne Falls, Mass., favoring the prohibition of polygamy in the United States; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of Albert H. Weaver and 22 other citizens of Richwood, Ohio, in favor of the passage of House bill 15651, granting a pension to Nettie Livingston; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 16263, granting an increase of pension to Thomas Haggard; to the Committee on Invalid Pensions.

## SENATE.

TUESDAY, May 5, 1914.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast put an image of Thyself in our human minds. The unity we find in all nature has its rise in our thought of God. The sequence of history comes out of that transcript of the divine nature in our own minds. We find ourselves self-determining and self-conscious. We, too, exist and are free. Into the great field of human service we have brought our living personality and are delivering the forces of our lives as best we can for the uplift of humanity. May Thy blessing abide with us, giving to us not only the power and the inspiration of Thy spirit, but giving to us motives to lead us in the path of success, that our lives may be owned and used of God for the benefit of our fellow men. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LEA of Tennessee and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### CALLING OF THE ROLL.

Mr. KERN. Mr. President, I suggest the absence of a quorum. The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Overman	Stone
Bankhead	Hughes	Page	Sutherland
Brady	Kenyon	Perkins	Swanson
Brandegee	Kern	Pittman	Thomas
Bristow	Lea, Tenn.	Robinson	Thompson
Bryan	Lee, Md.	Root	Tillman
Burleigh	Lippitt	Saulsbury	Townsend
Burton	Lodge	Shafroth	Vardaman
Chamberlain	McLean	Sheppard	Warren
Chilton	Martin, Va.	Simmons	Weeks
Clapp	Martine, N. J.	Smith, Ga.	West
Clark, Wyo.	Nelson	Smith, Md.	Williams
Cummins	Norris	Smith, S. C.	
Goff	O'Gorman	Smoot	
Gore	Oliver	Sterling	

Mr. SHEPPARD. I wish to announce the necessary absence of my colleague [Mr. CULBERSON], and to state that he is paired with the Senator from Delaware [Mr. DU PONT].

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. BRADLEY], and also the junior Senator from Wisconsin [Mr. STEPHENSON].

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present. The presentation of petitions and memorials is in order.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bill and joint resolutions:

S. 5445. An act for the relief of Gordon W. Nelson;

S. J. Res. 97. Joint resolution authorizing the President to extend invitations to foreign Governments to participate in the International Congress of Americanists; and

S. J. Res. 142. Joint resolution authorizing the Vocational Education Commission to employ such stenographic and clerical assistants as may be necessary, etc.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 3988. An act for the purchase of a building and lot as a mine-rescue station at McAlester, Okla.;

H. R. 10832. An act to amend section 2 of an act approved March 2, 1907, entitled "An act providing for the allotment and distribution of Indian tribal funds" (34 Stat. L., 1221 and 1222);

H. R. 10833. An act authorizing the Secretary of the Interior to lease for grazing and agricultural purposes unallotted lands within Indian reservations established by act of Congress or Executive order;

H. R. 10846. An act to authorize the Secretary of the Interior to use in the purchase of live stock, seeds, and agricultural equipment moneys appropriated to fulfill treaty obligations;

H. R. 11246. An act for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863;

H. R. 11740. An act to amend an act entitled "An act creating a legislative assembly in the Territory of Alaska and conferring legislative power thereon, and for other purposes," approved August 24, 1912;

H. R. 12291. An act to increase the limit of cost for the extension, remodeling, and improvement of the Pensacola (Fla.) post office and courthouse, and for other purposes; and

H. R. 13770. An act to consolidate certain forest lands in the Sierra National Forest and Yosemite National Park, Cal.

### ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 5031) quieting title to lot 44 in square 172 in the city of Washington, and it was thereupon signed by the Vice President.

### PETITIONS AND MEMORIALS.

Mr. LEA of Tennessee presented a memorial of sundry citizens of Knoxville, Tenn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. LEE of Maryland presented memorials of sundry citizens of Maryland, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.